

<p style="text-align: right;">Page 58</p> <p>1 product that we -- Ethypharm used -- Ethypharm 2 used Belmac to manufacture this product 3 Omeprazole for its clients. Within his clients 4 we have Belmac.</p> <p>5 Q. I see. And when you mean third 6 parties is that the other clients besides 7 Belmac?</p> <p>8 A. Yeah.</p> <p>9 Q. In that discussion at table 1 did 10 Mr. Herrera ever tell you that he worked for 11 Bentley?</p> <p>12 A. I don't know. I don't think so, no. 13 I don't know. I never know that Mr. Herrera 14 was working for Bentley.</p> <p>15 Q. So that was never your 16 understanding?</p> <p>17 A. No.</p> <p>18 Q. But you did know that he was the 19 general manager of Belmac; is that correct?</p> <p>20 A. Yes. General manager or something, 21 someone responsible, yes.</p>	<p style="text-align: right;">Page 60</p> <p>1 the manufacturing of Omeprazole and maybe other 2 product for Ethypharm France.</p> <p>3 BY MS. ABREU:</p> <p>4 Q. In what country would the 5 manufacturing be made?</p> <p>6 THE WITNESS: Belmac Spain would 7 manufacture them for Ethypharm France.</p> <p>8 BY MS. ABREU:</p> <p>9 Q. So would the contract then be 10 between Ethypharm France and Belmac Spain?</p> <p>11 MR. BOSTWICK: Objection.</p> <p>12 Foundation. And the form of the question.</p> <p>13 BY MS. ABREU:</p> <p>14 Q. You can answer the question.</p> <p>15 A. Yes.</p> <p>16 Q. And who -- do you recall who told 17 you that this contract was discussed?</p> <p>18 MR. BOSTWICK: Objection. Asked and 19 answered.</p> <p>20 A. Either Gerard Leduc or Pierre 21 Germain.</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. And when you say "responsible" you 2 mean responsible for --</p> <p>3 A. In the general or something. I 4 don't know exactly.</p> <p>5 Q. A higher up guy?</p> <p>6 A. Yeah.</p> <p>7 Q. Was it your understanding that he 8 was responsible for running Belmac, the company 9 in Spain?</p> <p>10 A. Yes.</p> <p>11 Q. Now, let's go focus on table 2 for a 12 minute. Your understanding of you mentioned 13 they were discussing important subjects. Do 14 you know any details of those important 15 subjects that they were discussing?</p> <p>16 A. Yes. I remember that one of the 17 subject was to establish a new contract between 18 the two companies.</p> <p>19 Q. A new contract for what?</p> <p>20 A. For the manufacturing of Omeprazole.</p> <p>21 THE WITNESS: It would be to-- for</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Did that person also tell you who 2 brought up the topic of the contract at table 3 2?</p> <p>4 MR. BOSTWICK: Objection. Form.</p> <p>5 THE WITNESS: I don't know.</p> <p>6 MS. ABREU: Why don't we take a 7 break.</p> <p>8 THE VIDEOGRAPHER: The time is 9 10:31:16. Off the record.</p> <p>10 (A short recess was taken.)</p> <p>11 THE VIDEOGRAPHER: On the record. 12 The time is 10:50:11.</p> <p>13 BY MS. ABREU:</p> <p>14 Q. Good morning, Mr. Liorzou. We are 15 back. I just wanted to ask you a couple of 16 follow-up questions on the meeting in St. Cloud 17 at the end of 2000.</p> <p>18 You mentioned that to your knowledge 19 in table 2 the one with Mr. Leduc and Mr. 20 Murphy and Pierre Germain that they discussed a 21 possible new contract for the manufacture of</p>

<p style="text-align: right;">Page 62</p> <p>1 Omeprazole in Spain.</p> <p>2 A. Yes, I have spoken of the necessity 3 of the distribution new contract. I can't tell 4 you they discuss the contract.</p> <p>5 Q. Do you know if such a contract was 6 ever signed?</p> <p>7 A. I don't know if -- I know it has 8 been signed. I know that the contract, the 9 draft of contract has been sent by Ethypharm to 10 Belmac, but I don't know. Okay? I know that 11 it has been done late but I don't know if it 12 has been signed.</p> <p>13 Q. Do you know who at Ethypharm sent 14 this contract to Belmac or Bentley?</p> <p>15 A. It is Ms. Joanesse.</p> <p>16 Q. Do you know if Ms. Joanesse drafted 17 that contract?</p> <p>18 A. Yes. I believe, yes.</p> <p>19 Q. But just to clarify, you don't know 20 if that was ever signed; is that correct?</p> <p>21 A. I believe it has not been signed.</p>	<p style="text-align: right;">Page 64</p> <p>1 MS. ABREU: Counsel, I don't believe 2 we have seen that memo. If you wouldn't mind 3 looking into that for production we would 4 appreciate it.</p> <p>5 MR. BOSTWICK: You actually do have 6 a copy of the memo. I will point it out to 7 you.</p> <p>8 BY MS. ABREU:</p> <p>9 Q. And when you mentioned that they 10 spoke about future investments with tools at 11 Belmac what do you mean by that?</p> <p>12 A. I think this refer to be satisfied 13 -- I think that Belmac had some problems of 14 capacity at the time and that they wanted to 15 increase capacity and so we have to bring 16 perhaps some new tools to increase capacity 17 inside Belmac and they wanted that. I don't 18 know if Ethypharm agreed on that. They had 19 some perhaps some discussion on this.</p> <p>20 Q. Mr. Liorzou, I would like to go back 21 to that March of 2002 meeting in Madrid for a</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. Okay. And at table 2 do you know if 2 aside from this potential contract do you know 3 if any other important issues were discussed?</p> <p>4 A. Yes. Well, I believe that spoken of 5 -- I think that spoken of investment, future 6 investment in terms of tools in Belmac. I 7 don't know if they were agreed on this. And 8 there were -- spoke of new formulation also 9 because Ethypharm develop a new formulation for 10 Omeprazole formulation and I think they have 11 spoken of that.</p> <p>12 Q. You think. Do you recall being told 13 that they spoke of that?</p> <p>14 A. I was told that, yes. Sure. Sure. 15 The best is to look in my memos because I made 16 a memo on this.</p> <p>17 Q. You did?</p> <p>18 A. Yeah.</p> <p>19 Q. And this was a meeting at 20 approximately November of 2001?</p> <p>21 A. Yes.</p>	<p style="text-align: right;">Page 65</p> <p>1 minute if you don't mind.</p> <p>2 And if we could mark this as Exhibit 3 2</p> <p>4 (Deposition Exhibit No. 2 was marked 5 for identification.)</p> <p>6 THE WITNESS: The answer was keep it 7 in mind to go back to the meeting.</p> <p>8 BY MS. ABREU:</p> <p>9 Q. And I believe the first two pages 10 you have there are written in Spanish but the 11 subsequent two are in French. If you wouldn't 12 mind taking some time to review that document. 13 Okay?</p> <p>14 A. Yeah. That's good.</p> <p>15 Q. Have you seen this document before, 16 Mr. Liorzou?</p> <p>17 A. Yes.</p> <p>18 Q. And what is it?</p> <p>19 A. What is it? It's a summary of this 20 meeting we had in Madrid. In March 29 is when 21 we had the plans started.</p>

17 (Pages 62 to 65)

<p>1 Q. Do you know who prepared this 2 document?</p> <p>3 A. Sorry. Must be Adolfo De Basilio.</p> <p>4 Yes. This version was in Spanish, no?</p> <p>5 Q. We are wondering what your knowledge 6 of that document is?</p> <p>7 A. I have seen this. I have seen this 8 document, but -- yes, I have seen this document 9 but I think the original was in Spanish 10 established by Adolfo De Basilio. Yes, I'm 11 sure, yes. I read it in Spanish, I think.</p> <p>12 Q. Does this document refresh your 13 recollection as to when --</p> <p>14 A. Yes.</p> <p>15 Q. So is that the March 2000 meeting 16 that you described earlier?</p> <p>17 A. Yes.</p> <p>18 Q. The one referred to in this 19 document?</p> <p>20 A. Yes.</p> <p>21 Q. I would like to draw your attention</p>	<p>Page 66</p> <p>1 before.</p> <p>2 Q. If I could draw your attention?</p> <p>3 A. I don't believe I met him before but 4 you know I am this business since a long time 5 and even we go to some salon, show, exhibition 6 and we meet people. Perhaps I met him before. 7 I don't know. But really this should be the 8 first time when I met him.</p> <p>9 Q. And what you mean by salon and 10 exhibit do you mean industry meetings for the 11 pharmaceutical industry?</p> <p>12 A. Yes. But to my opinion it was the 13 first time.</p> <p>14 Q. If I could draw your attention now 15 to the third paragraph which it says in the 16 French version it starts -- I will again read 17 this in English for the record and if you 18 wouldn't mind following along in French "When 19 PG saw that Belmac represented 58 percent of 20 the sales figures of the Omeprazole it appeared 21 to shock him."</p>
<p>1 to a couple of different parts of this 2 document. Do you see where it says "To" in the 3 French version of the document?</p> <p>4 A. Yes.</p> <p>5 Q. And I will read it in English for 6 the record and if you wouldn't mind following 7 along in French.</p> <p>8 It says "A. Herrera came with Jim 9 Murphy, president of Bentley, Belmac's parent 10 company in the U.S.A."</p> <p>11 A. Yes. Right.</p> <p>12 Q. Does that refresh your recollection 13 as to whether that was when you met Mr. Murphy?</p> <p>14 A. Yes. No. Honestly, no. No. I 15 don't remember really this meeting so if it's 16 written that he was there, sure. Not clear. 17 But I don't remember honestly.</p> <p>18 Q. Do you have a reason to believe that 19 Mr. Murphy was not -- that that was not the 20 first time you met Mr. Murphy?</p> <p>21 A. I don't believe that I met him</p>	<p>Page 67</p> <p>1 THE INTERPRETER: You said 50?</p> <p>2 MS. ABREU: 58. And if the French 3 version says something different, please 4 correct it for the record.</p> <p>5 THE INTERPRETER: The French version 6 said 60.</p> <p>7 MS. ABREU: 60 percent. Okay.</p> <p>8 BY MS. ABREU:</p> <p>9 Q. So "When PG saw that Belmac 10 represented" --</p> <p>11 A. Correct.</p> <p>12 Q. "Practically 60 percent of the sales 13 figures"?</p> <p>14 A. Practically, yeah.</p> <p>15 Q. "Of Omeprazole it appeared to shock 16 him."</p> <p>17 Do you have any knowledge as to who 18 PG is that is referred to?</p> <p>19 A. Pierre Germain.</p> <p>20 Q. And then following along the next 21 sentence "It appeared that he hadn't realized</p>

18 (Pages 66 to 69)

<p style="text-align: right;">Page 70</p> <p>1 that it was so important and it also appeared 2 that he didn't much like that there wasn't a 3 contract that stopped Belmac continuing -- from 4 continuing to manufacture micro granules for 5 itself, Omeprazole powder, if we were to 6 withdraw from their facilities."</p> <p>7 Do you see where it says that?</p> <p>8 THE INTERPRETER: There was a lot of 9 misspellings actually in the document in 10 French.</p> <p>11 BY MS. ABREU:</p> <p>12 Q. Does that paragraph refresh your 13 recollection as to what you may have discussed 14 in that March --</p> <p>15 A. Yes, yes. Yes.</p> <p>16 Q. March 29, 2000 meeting?</p> <p>17 A. Yeah.</p> <p>18 Q. Do you have any recollection as to 19 whether that paragraph refers to the meeting 20 that you had with Mr. De Basilio or whether 21 that refers to the lunch meeting that you</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Uh-huh. 2 Q. And if you wouldn't mind confirming 3 is PG again Pierre Germain?</p> <p>4 A. Yes. 5 Q. And who is YL? 6 A. Myself. 7 Q. And PB? 8 A. Philippe Boudal. 9 Q. And the next sentence reads 10 "Omeprazole acquiesce."</p> <p>11 A. Uh-huh. 12 Q. "If it is manufactured in Spain it 13 will be at Belmac"?</p> <p>14 A. Yes. 15 Q. And if it is not made at Belmac it 16 will not be made in Spain?</p> <p>17 A. Yes. 18 Q. Is that consistent with the French 19 that you have just read?</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MS. ABREU:</p>
<p style="text-align: right;">Page 71</p> <p>1 described earlier?</p> <p>2 A. In my knowledge, I think that's 3 apart from Ethypharm and with Mr. De Basilio.</p> <p>4 THE INTERPRETER: In my own 5 knowledge, I think that this part was discussed 6 between Mr. De Basilio and Ethypharm.</p> <p>7 BY MS. ABREU:</p> <p>8 Q. And just to clarify for the record, 9 that would have been at the meeting at the 10 Ethypharm Spain's office before the lunch 11 meeting, correct?</p> <p>12 A. Yes. Yes.</p> <p>13 Q. And do you recall what was said on 14 the subject on that paragraph that we just 15 read?</p> <p>16 A. No, I don't know. Honestly, no. I 17 don't know. No. What was -- No.</p> <p>18 Q. I would like to draw your attention 19 now to the very last paragraph where it says in 20 bold print "Conclusions from the meeting with 21 PG, YL and PB."</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. Do you recall discussing that 2 subject at that meeting on March 29, 2000?</p> <p>3 A. Not really. Honestly, not really. 4 This was the opinion of Pierre Germain.</p> <p>5 MR. BOSTWICK: Just to clarify, you 6 not asking him to vouch for your translation. 7 You are just asking him questions --</p> <p>8 MS. ABREU: Of the --</p> <p>9 MR. BOSTWICK: Of the witness.</p> <p>10 MS. ABREU: I am asking if what I 11 just read in English is consistent with his 12 understanding of the French and --</p> <p>13 A. If it is written there I mean this 14 was the position of Pierre Germain.</p> <p>15 BY MS. ABREU:</p> <p>16 Q. And just to confirm does this 17 document refresh in any way your recollection 18 as to any discussions that you may have had 19 with Jim Murphy at lunch?</p> <p>20 A. No.</p> <p>21 Q. Let's go back to your role at</p>

19 (Pages 70 to 73)

<p style="text-align: right;">Page 74</p> <p>1 Ethypharm as commercial director, as vice 2 president and also your licensing role. You 3 mentioned that you supervised the Ethypharm 4 Spanish subsidiary.</p> <p>5 Do you recall how frequently you 6 communicated with the Spanish subsidiary during 7 your tenure at Ethypharm?</p> <p>8 A. No.</p> <p>9 THE WITNESS: No, I don't know. I 10 cannot tell you.</p> <p>11 BY MS. ABREU:</p> <p>12 Q. Do you remember if it was on a 13 monthly basis, on a weekly basis, on a daily 14 basis?</p> <p>15 A. More on a weekly basis, let's say.</p> <p>16 Q. A few times a week?</p> <p>17 A. I can't tell you. I believe -- 18 well, you know, depending on what was happening 19 could be twice a day or once a week. But once 20 a week looks good. Good times.</p> <p>21 Q. And do you recall if when you spoke</p>	<p style="text-align: right;">Page 76</p> <p>1 company whom I am speaking of all the -- of 2 Belmac when it was consenting the 3 manufacturing, the transfer of Omeprazole, of 4 Lansoprazole.</p> <p>5 Q. Do you remember how you communicated 6 with the Spanish subsidiary? Was it via 7 telephone?</p> <p>8 A. Telephone mainly.</p> <p>9 Q. Did you ever write them any e-mails?</p> <p>10 A. At the time I was very, very bad 11 with my computer. I had -- my assistant was 12 making mails for me. I made some notes 13 sometimes and -- but I believe that 14 communication it was mainly by phone 15 conversation, yeah.</p> <p>16 Q. Do you remember if you ever sent 17 them any letters or any written memoranda?</p> <p>18 MR. BOSTWICK: I'm sorry. The 19 "them" is --</p> <p>20 MS. ABREU: To the Spanish 21 subsidiary.</p>
<p style="text-align: right;">Page 75</p> <p>1 to the Ethypharm Spanish subsidiary if you ever 2 discussed Laboratorios Belmac?</p> <p>3 A. Yes, I believe, yes. Yes, of 4 course. There was conversation, yes.</p> <p>5 Q. And did you -- do you recall ever 6 discussing Bentley with the Spanish subsidiary?</p> <p>7 A. No, I don't believe.</p> <p>8 Q. Do you recall discussing Omeprazole, 9 with the Ethypharm Spanish subsidiary?</p> <p>10 A. Yes.</p> <p>11 Q. Do you recall discussing 12 Lansoprazole with the Spanish subsidiary?</p> <p>13 A. Lansoprazole, yes.</p> <p>14 Q. Do you recall discussing any other 15 drugs based on pellet or micro granule 16 technology?</p> <p>17 A. Yes.</p> <p>18 Q. With the Spanish subsidiary?</p> <p>19 A. Yes. It was obvious because I told 20 you that the Spanish subsidiary was supposed to 21 be involved in licensing pellets product with a</p>	<p style="text-align: right;">Page 77</p> <p>1 MR. BOSTWICK: Ethypharm Spanish 2 subsidiary.</p> <p>3 MS. ABREU: Ethypharm Spanish 4 subsidiary.</p> <p>5 A. Perhaps, yes, but I don't precisely 6 at this moment but if you show me something 7 perhaps I can give you answer.</p> <p>8 BY MS. ABREU:</p> <p>9 Q. To the best of your memory.</p> <p>10 A. But I don't remember exactly. But 11 even the memo -- the memo I was speaking to you 12 some minutes ago well it had been spent to 13 Adolfo, I believe.</p> <p>14 Q. The one that you drafted, the 15 November 2000 with regard to the November 2001 16 meeting?</p> <p>17 A. Yeah. Yeah. I was not very -- I 18 told you I wasn't good with my computer but not 19 my cup of tea.</p> <p>20 Q. Fair enough. I think we are almost 21 out of tape but let me cover a couple of</p>

20 (Pages 74 to 77)

<p>1 questions before we do.</p> <p>2 I would like to discuss now the</p> <p>3 Ethypharm Spain's relationship with Belmac.</p> <p>4 Were you aware during your tenure at</p> <p>5 Ethypharm that -- of any relationship between</p> <p>6 Ethypharm Spain and Belmac?</p> <p>7 A. Yes. Yes.</p> <p>8 MR. BOSTWICK: Objection. Vague.</p> <p>9 BY MS. ABREU:</p> <p>10 Q. For the manufacture of Omeprazole?</p> <p>11 A. Okay. Yes.</p> <p>12 Q. Were you aware of any relationship</p> <p>13 between Ethypharm Spain and Belmac for the</p> <p>14 manufacture of any other drug based on pellet</p> <p>15 or micro granule technology? And again this is</p> <p>16 during your tenure at Ethypharm.</p> <p>17 A. Yes.</p> <p>18 Q. And do you recall when the</p> <p>19 relationship between Ethypharm Spain and Belmac</p> <p>20 started for the manufacture of Omeprazole?</p> <p>21 A. No. No.</p>	<p>Page 78</p> <p>1 Q. So, Mr. Liorzou, due to the tape</p> <p>2 change I would like to request that the court</p> <p>3 reporter read back my last question to you.</p> <p>4 (The record was read as requested.)</p> <p>5 A. It is a laboratory, I believe,</p> <p>6 Spanish laboratory but I don't -- I believe it</p> <p>7 must be one of the client with Omeprazole. I'm</p> <p>8 not sure. I believe.</p> <p>9 Q. Do you have any recollection as to</p> <p>10 whether Ethypharm Spain or Ethypharm France had</p> <p>11 a relationship with--</p> <p>12 A. No, I don't remember. I really</p> <p>13 don't. This name is familiar. It's a small</p> <p>14 laboratory anyway because I know quite well the</p> <p>15 pharmacy market in Spain, but I don't remember</p> <p>16 very well.</p> <p>17 Q. Back to the relationship that you</p> <p>18 mentioned between Ethypharm Spain and</p> <p>19 Laboriatorious Belmac for the manufacture of</p> <p>20 Omeprazole --</p> <p>21 MR. BOSTWICK: Objection.</p>
<p>Page 79</p> <p>1 Q. Have you ever heard of a company</p> <p>2 called Laboriatorious Rimafar?</p> <p>3 A. Yes. Yes, yes. Rimafar, yes,</p> <p>4 but -- yes. Yes, yes.</p> <p>5 Q. What do you recall about Rimafar and</p> <p>6 then I think we have to change the tape.</p> <p>7 THE VIDEOGRAPHER: No time for the</p> <p>8 answer.</p> <p>9 MS. ABREU: We will get the answer.</p> <p>10 We will repeat the question for you and get the</p> <p>11 answer on the second tape.</p> <p>12 THE VIDEOGRAPHER: This ends Tape</p> <p>13 Number 1 of the Liorzou deposition. The time</p> <p>14 is 11:20:11. Off the record.</p> <p>15 (A short recess was taken.)</p> <p>16 THE VIDEOGRAPHER: On the record</p> <p>17 with Tape Number 2 of the testimony of Yves</p> <p>18 Liorzou in the matter of Ethypharm versus</p> <p>19 Bentley. The date is July 7, 2006. The time</p> <p>20 is 11:21:15.</p> <p>21 BY MS. ABREU:</p>	<p>Page 81</p> <p>1 BY MS. ABREU:</p> <p>2 Q. -- do you recall what was that</p> <p>3 relationship?</p> <p>4 MR. BOSTWICK: The objection is as</p> <p>5 to form.</p> <p>6 A. I would assume --</p> <p>7 THE WITNESS: The relationship is</p> <p>8 double. Double relationship. There is a</p> <p>9 relationship of manufacturing because Belmac is</p> <p>10 a manufacturer for Ethypharm for Omeprazole.</p> <p>11 A. And some other products.</p> <p>12 THE WITNESS: And some other</p> <p>13 product.</p> <p>14 And there is a relationship of</p> <p>15 customer.</p> <p>16 A. Because Belmac was a customer of</p> <p>17 Ethypharm for Omeprazole.</p> <p>18 BY MS. ABREU:</p> <p>19 Q. Was Belmac a customer of Ethypharm</p> <p>20 during your tenure at Ethypharm for any other</p> <p>21 drug besides Omeprazole?</p>

21 (Pages 78 to 81)

<p style="text-align: right;">Page 82</p> <p>1 A. No, I don't believe, no. I don't 2 think so. No.</p> <p>3 Q. Were you ever involved in the 4 negotiations between Ethypharm Spain or 5 Ethypharm France for that matter and Belmac for 6 the manufacture -- for this relationship 7 involving the manufacture of Ethypharm?</p> <p>8 A. When?</p> <p>9 Q. At any time during your tenure?</p> <p>10 A. At any time? I would say yes at the 11 end more or less at the end. At the end of -- 12 yeah, at the end I was involved because when we 13 recuperate customer service as I was managing 14 customer service I was involved.</p> <p>15 Q. So was that approximately from the 16 year 2000 through 2004?</p> <p>17 A. 2000, yeah. Uh-huh.</p> <p>18 Q. And what was the nature of your 19 involvement in the negotiations with Belmac 20 pertaining to the Omeprazole manufacture?</p> <p>21 MR. BOSTWICK: I'm going to object</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. So your involvement was then, just 2 to clarify, logistics, receiving orders from 3 Belmac, delivering orders from Belmac?</p> <p>4 A. Yeah. As I told you, I had a team 5 of some six, seven people and the boss of this 6 team was Nathalie Neves and she was in first 7 line for this.</p> <p>8 Q. Do you --</p> <p>9 A. Myself I was more taking care of it.</p> <p>10 Q. Do you remember who you contacted 11 about these logistical matters with Belmac?</p> <p>12 A. No. No.</p> <p>13 Q. Do you remember who Nathalie Neves 14 may have contacted?</p> <p>15 A. No.</p> <p>16 Q. Do you recall whether your contacts 17 -- that you would contact Belmac directly about 18 these logistical problems?</p> <p>19 A. I told you not working --</p> <p>20 THE WITNESS: We were not very 21 efficient.</p>
<p style="text-align: right;">Page 83</p> <p>1 to the extent that all these questions seem to 2 presume that Bentley is not involved when I 3 think he has testified that they were involved.</p> <p>4 MS. ABREU: I think he has 5 testified. His testimony stands.</p> <p>6 MS. ABREU: Just to overt any 7 confusion by the witness if you wouldn't mind 8 reading back my last question.</p> <p>9 (The record was read as requested.)</p> <p>10 THE WITNESS: Yes, to go back in his 11 memory about the history.</p> <p>12 A. Until it was directly organized by 13 Spain made from Spain I would say I was not 14 involved. When it started to move I became 15 involved in the fact that I was in charge of 16 customer service. We are at the time we are -- 17 we are to -- to organize to say logistics with 18 Belmac and to receive the market to deliver and 19 we had problems at the time. We started to 20 have problems with Belmac because Belmac was 21 delivering late.</p>	<p style="text-align: right;">Page 85</p> <p>1 A. So we were complaining and -- but, 2 you know, we were complaining with -- it's 3 clear we were complaining. Nathalie was 4 complaining with the Spanish people of Belmac. 5 I don't know with whom. And we started to 6 become very, very, very difficult.</p> <p>7 Q. Do you recall if those Spanish 8 people of Belmac with whom Nathalie contacted 9 you do you recall whether they were in Zaragosa 10 or Madrid?</p> <p>11 A. I don't know.</p> <p>12 Q. Do you recall -- going back to the 13 overall relationship between Ethypharm Spain 14 and Belmac for the manufacture of the 15 Omeprazole do you recall who else was involved 16 in negotiating that relationship?</p> <p>17 MR. BOSTWICK: Objection again to 18 the mischaracterization.</p> <p>19 A. Perhaps I believe technical people 20 also. Could be. Quality assurance or this 21 kind of people which are in relationship.</p>

22 (Pages 82 to 85)

<p style="text-align: right;">Page 86</p> <p>1 Quality assurance, the manufacturing people 2 perhaps from our side. I don't know. I 3 believe quality assurance.</p> <p>4 Q. Do you recall if any of the 5 executives were involved in negotiations with 6 Belmac?</p> <p>7 MR. BOSTWICK: Do you mean other 8 than the people he has referred to?</p> <p>9 BY MS. ABREU:</p> <p>10 Q. Other than the people you referred 11 to at Ethypharm?</p> <p>12 A. In Ethypharm?</p> <p>13 Q. Yes.</p> <p>14 A. Perhaps Ms. Gaviolle, 15 G-A-V-O-I-L-L-E.</p> <p>16 Q. And what did Ms. Gaviolle do?</p> <p>17 A. She was at the time responsible for 18 quality assurance. Could have some 19 relationship because if quality was not good it 20 is bad to our opinion.</p> <p>21 Q. And when you say this point do you</p>	<p style="text-align: right;">Page 88</p> <p>1 (The record was read as requested.)</p> <p>2 A. In this structure we had Nathalie 3 Neves was the person in charge as she was the 4 head of customer service in France -- at that 5 time -- I'm sorry. I'm sorry. At that time it 6 was not Nathalie Neves. I'm sorry. I made a 7 mistake. I'm sorry. I made a mistake. Since 8 the beginning it was not Nathalie Neves at that 9 time.</p> <p>10 Q. On the Belmac side do you recall who 11 the people were that were involved in the 12 negotiations?</p> <p>13 A. No. This I don't know clearly. I'm 14 sorry. I made a mistake. The person in charge 15 of customer service when we did first customer 16 service was Mr. Pierre Benham.</p> <p>17 Q. And how do you spell Mr. Benham's 18 last name?</p> <p>19 A. Pierre Benham, Pierre and Benham, 20 B-E-N-H-A-M.</p> <p>21 Q. Do you recall approximately when Mr.</p>
<p style="text-align: right;">Page 87</p> <p>1 remember what year?</p> <p>2 A. No, not exactly but it happened -- 3 logically it happened when we stop customer 4 service activity in Spain and we transfer it to 5 France after this period but when I don't know 6 exactly.</p> <p>7 Q. So approximately from 2000 forward?</p> <p>8 A. It was -- I believe 2001 or 9 something like that. 2001 or -- yes.</p> <p>10 Q. And to your knowledge do you know 11 with whom at Belmac persons at Ethypharm 12 negotiated about this manufacture of Omeprazole 13 in Spain?</p> <p>14 MR. BOSTWICK: Again, I have to 15 object to the form.</p> <p>16 BY MS. ABREU:</p> <p>17 Q. You can answer the question.</p> <p>18 THE INTERPRETER: I didn't get the 19 question. I'm sorry.</p> <p>20 MS. ABREU: Would you mind reading 21 back the question.</p>	<p style="text-align: right;">Page 89</p> <p>1 Benham was involved in customer service?</p> <p>2 A. This period I believe, yeah.</p> <p>3 Q. From early 2000?</p> <p>4 A. I think so. It's very difficult. 5 I'm sorry.</p> <p>6 Q. That's okay. Do you -- other than 7 Mr. Murphy do you recall anybody from Bentley 8 ever being involved in any of the discussions 9 with Ethypharm in Spain about the Belmac's 10 manufacture of Omeprazole?</p> <p>11 A. I have no information on this, no.</p> <p>12 Q. And aside from Mr. Murphy do you 13 know of anybody from Bentley ever being 14 involved in any of the negotiations for the 15 relationship between Ethypharm Spain and Belmac 16 for the manufacture of any other pellet drug or 17 micro granular drug?</p> <p>18 A. No. Myself, no.</p> <p>19 Q. Now, do you recall when the 20 relationship between Ethypharm and Belmac for 21 the manufacture of Omeprazole started?</p>

23 (Pages 86 to 89)

<p style="text-align: right;">Page 90</p> <p>1 A. No. I told you no. No.</p> <p>2 MR. BOSTWICK: I will just register 3 the same objection.</p> <p>4 BY MS. ABREU:</p> <p>5 Q. Do you recall whether the 6 relationship between Ethypharm Spain and Belmac 7 for the manufacture of Omeprazole was ever put 8 in -- was oral or written?</p> <p>9 MR. BOSTWICK: Same objection.</p> <p>10 A. I have seen some papers with -- 11 indicating, let's say, the prices and written 12 papers, you know, indicating the pricing and 13 the price that Belmac was invoicing to 14 Ethypharm. There were some document but I have 15 seen that, yeah, in the past.</p> <p>16 Q. So you have seen pricing documents?</p> <p>17 A. Yeah. It was perhaps a -- for a 18 contract or something like that.</p> <p>19 Q. Do you recall who that document was 20 from, the pricing document?</p> <p>21 A. No, I don't know. No.</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Now, do you recall where Belmac's 2 facility was that -- where it manufactured 3 Omeprazole?</p> <p>4 A. Yes. In Zaragoza.</p> <p>5 Q. To your knowledge, did Bentley have 6 a facility to manufacture Omeprazole in the 7 United States?</p> <p>8 A. I don't know.</p> <p>9 Q. To your knowledge, did Bentley ever 10 make Omeprazole for Ethypharm in the United 11 States?</p> <p>12 A. No. No.</p> <p>13 Q. To your knowledge, did Bentley ever 14 make -- manufacture any other pellet drug or 15 micro granular drug for Ethypharm in the United 16 States?</p> <p>17 A. No. To my knowledge, no.</p> <p>18 Q. Now, you mentioned Ethypharm Spain 19 gave ingredients to Belmac. What were -- do 20 you know what those ingredients were?</p> <p>21 A. No. I believe -- well, I don't know</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. Do you recall anything about the 2 terms of the arrangement between Ethypharm and 3 Belmac, the manufacture of Omeprazole?</p> <p>4 MR. BOSTWICK: Objection.</p> <p>5 A. I can tell you what I knew in 6 general, let's say, in this period. I know 7 that -- I don't know about -- I know that 8 Belmac has facilities. When Ethypharm Spain 9 was acting as a customer service Ethypharm 10 Spain was giving some ingredients to Belmac 11 called in to their need. And Ethypharm was -- 12 and after -- well, Belmac was invoicing 13 Ethypharm for the manufacturing costs. And 14 Ethypharm was invoicing the client or I don't 15 remember if it was Ethypharm. I think it was 16 Ethypharm was invoicing the client for the 17 final price.</p> <p>18 Q. Of the Omeprazole manufacturing by 19 Belmac?</p> <p>20 A. By Belmac, yeah. It's kind of -- it 21 was working on just like that, yeah.</p>	<p style="text-align: right;">Page 93</p> <p>1 -- the active ingredient I don't remember what 2 were the rules around the activity or who was 3 buying the -- I think it was Ethypharm. I am 4 not sure. I don't know exactly who was buying 5 the active ingredient. I think it was 6 Ethypharm in some case. Sometimes it was 7 delivered by the client themselves to the 8 manufacturer. So it was different 9 possibilities, I think. What Ethypharm was 10 giving to Belmac I think it was some 11 excipients. Makes excipients. It's 12 ingredients which help to manufacture the final 13 medicine. Excipient in French -- is that the 14 same in English?</p> <p>15 THE INTERPRETER: (Nodding head.)</p> <p>16 BY MS. ABREU:</p> <p>17 Q. To your knowledge, did Ethypharm 18 ever give any of these ingredients or 19 excipients to Bentley in the United States?</p> <p>20 A. I don't know. I don't believe, no.</p> <p>21 Q. To your knowledge, did any of the</p>

24 (Pages 90 to 93)

<p style="text-align: right;">Page 94</p> <p>1 Ethypharm's clients ever give the ingredients 2 or excipients to Bentley in the United States? 3 A. I don't know. I don't know. 4 Q. But to your knowledge they have -- 5 MR. BOSTWICK: Asked and answered. 6 He has provided his answer. 7 A. To my knowledge, no. To my 8 knowledge, no, but I don't know, you know. 9 BY MS. ABREU: 10 Q. Now, let's go back to the invoices 11 you mentioned that Belmac gave to Ethypharm 12 regarding the cost of manufacturing Omeprazole. 13 A. Okay. I'm sorry. Which way? 14 Reversal. Belmac to Ethypharm for 15 the manufacturing costs? 16 Q. Exactly. 17 A. Yeah. 18 Q. Do you recall who at Belmac sent 19 those invoices to Ethypharm? 20 A. I don't know. 21 Q. To your knowledge, did Bentley ever</p>	<p style="text-align: right;">Page 96</p> <p>1 transition perhaps and perhaps it has been 2 during sometime in the end of the manufacturing 3 direction. You know, the industry direction. 4 Possible in a certain period. But it's not a 5 problem. Okay. 6 Q. Okay. But so -- 7 A. No, but I wasn't involved anyway. 8 It's not a problem. But only to clarify, to 9 try to. It's difficult. Sorry. 10 Q. Sure. Thank you. 11 Do you -- you mentioned that during 12 the period of crisis that they talked to Belmac 13 quite often. Do you recall any such -- any 14 specific periods of crisis about when they 15 happened time wise? 16 A. This is a problem of when. No, I 17 don't know. I don't. I don't. I don't. I 18 can't tell you. No, I don't. 19 Q. Do you have any knowledge as to how 20 via what means, whether in writing or telephone 21 Nathalie and Pierre contacted Belmac about</p>
<p style="text-align: right;">Page 95</p> <p>1 send an invoice to Ethypharm for the cost of 2 manufacturing Omeprazole in Spain? 3 A. No, I don't believe. No, no. It 4 was -- no. 5 Q. Let's focus on Nathalie or -- 6 A. Sorry. 7 Q. Going back to the customer service 8 at Ethypharm, let's focus a little bit on 9 Nathalie Neves and Pierre Benham. 10 Do you have any understanding as to 11 how often they may have been in touch with 12 people at Belmac regarding customer service 13 issues? 14 A. I am not real -- no, I don't know 15 exactly, but I know that in during the period 16 of crisis it was quite often. I don't know but 17 must be two or three times a week perhaps. I 18 don't know. Concerning this -- I'm sorry -- 19 this situation with Pierre Benham I'm not very 20 sure because I think that before I take over 21 the customer service we had a period of</p>	<p style="text-align: right;">Page 97</p> <p>1 customer service issues? 2 A. At the time I think it was by mail. 3 Q. And at the time -- 4 A. Telephone, sure telephone because 5 direct during this business it's -- but perhaps 6 by mail also. 7 Q. When you say mail do you mean 8 e-mails? 9 A. E-mails, yeah. 10 Q. When you say at the time do you mean 11 around what year? 12 A. I believe it was 2001 in that 13 period, I think. 14 Q. And through the end of your tenure 15 at Ethypharm of your employment? 16 A. No, because I don't -- we start the 17 relationship after it was Belmac. I mean in 18 Spain we close our relationship with Belmac. I 19 don't remember when it was in 2002 or '3 or '2 20 paragraphs. Do I answer? 21 Q. Yes. That's fine.</p>

25 (Pages 94 to 97)

<p style="text-align: right;">Page 98</p> <p>1 To your knowledge, did Nathalie or 2 Pierre ever go to visit Belmac either in Madrid 3 or in Zaragoza?</p> <p>4 A. Could be but I don't know. I know 5 that the quality assurance -- I have never been 6 there. I told you. Never been. Perhaps the 7 industry people have been there or quality 8 insurance I'm sure. Nathalie or Pierre are 9 customer service I believe also. I am not 10 sure.</p> <p>11 Q. And when you say quality insurance 12 do you mean Marcelli Gavoille.</p> <p>13 A. Gaviolle, yeah.</p> <p>14 Q. Gaviolle.</p> <p>15 A. I believe.</p> <p>16 Q. To your knowledge, were there any 17 documents exchanged between Belmac and 18 Ethypharm either in Spain or France pertaining 19 to this arrangement for the manufacture of 20 Omeprazole during your employment at Ethypharm?</p> <p>21 A. Yes. We know that -- I think we had</p>	<p style="text-align: right;">Page 100</p> <p>1 by Adolfo De Basilio and given to technical 2 people of Belmac.</p> <p>3 Q. And to your knowledge, then this 4 information was given to technical people in 5 Spain of Belmac?</p> <p>6 A. Of Belmac, no.</p> <p>7 MR. BOSTWICK: Objection. Vague.</p> <p>8 A. I don't know. Perhaps, yes. I 9 don't know.</p> <p>10 Q. To your knowledge --</p> <p>11 A. I don't know. I don't know. I 12 don't know this period very well. I can't tell 13 you exactly what was exactly or who was 14 speaking with whom. I don't know that.</p> <p>15 Q. To your knowledge, was any technical 16 documentation regarding the manufacture of 17 Omeprazole ever given to anybody at Bentley in 18 the United States?</p> <p>19 MR. BOSTWICK: By Ethypharm?</p> <p>20 BY MS. ABREU:</p> <p>21 Q. By Ethypharm, either at the</p>
<p style="text-align: right;">Page 99</p> <p>1 kind of contact between Ethypharm and -- 2 Ethypharm Spain and Belmac for the 3 manufacturing. I think. We had -- I believe 4 you know -- I believe also that there was some 5 technical documentation of manufacturing 6 process with this kind of thing which was 7 document or perhaps confidentiality agreement. 8 I don't know the technical matter, the 9 technical sense. Industry proper things also. 10 All these things. There were some documents, 11 I'm sure, yeah.</p> <p>12 Q. To your knowledge, you mentioned 13 technical documentation. Do you know to whom 14 Ethypharm gave that technical documentation 15 concerning the manufacturing of Omeprazole as 16 part of this relationship with Belmac?</p> <p>17 A. No, I don't know, no. You are 18 referring to things occur when Ethypharm Spain 19 was involved?</p> <p>20 Q. Yes.</p> <p>21 A. No. This has been done by I think</p>	<p style="text-align: right;">Page 101</p> <p>1 Ethypharm France or Ethypharm Spain?</p> <p>2 A. Ethypharm in general, I don't 3 believe. There is no reason.</p> <p>4 Q. And could you elaborate a little bit 5 on what you mean by there was no reason?</p> <p>6 A. Well, I don't know. There was no 7 reason -- we don't need a client to indicate 8 the know how to everybody like that.</p> <p>9 THE COURT REPORTER: Could you 10 repeat that again.</p> <p>11 A. I was saying that Ethypharm had no 12 reason to delegate to anybody.</p> <p>13 THE INTERPRETER: Delegate the know 14 how.</p> <p>15 MR. BOSTWICK: Let's use the 16 translator.</p> <p>17 A. To delegate the know how to anybody.</p> <p>18 THE WITNESS: There was no reason 19 for Ethypharm to give them information about 20 how to manufacture or to give know how or any 21 knowledge --</p>

26 (Pages 98 to 101)

<p style="text-align: right;">Page 102</p> <p>1 A. To anybody.</p> <p>2 THE WITNESS: To anybody.</p> <p>3 BY MS. ABREU:</p> <p>4 Q. Just to clarify for the record, when 5 you say "them" you mean people at Bentley in 6 the United States; is that correct?</p> <p>7 THE INTERPRETER: No, Ethypharm.</p> <p>8 MS. ABREU: No, no, no. He said 9 there was no reason for Ethypharm to give them 10 the technical know how.</p> <p>11 BY MS. ABREU:</p> <p>12 Q. When you say to give "them" do you 13 mean Bentley in the United States?</p> <p>14 THE WITNESS: Yes.</p> <p>15 MR. BOSTWICK: One minute. Let's 16 get the translation of that so it's clear.</p> <p>17 A. Yes.</p> <p>18 Q. Now, do you know whether any export 19 licenses were exchanged between -- you know, 20 during the relationship between Ethypharm Spain 21 and Belmac for the manufacture of Omeprazole do</p>	<p style="text-align: right;">Page 104</p> <p>1 A. Yes.</p> <p>2 Q. Okay. To get the Omeprazole that 3 was manufactured in Spain by Belmac to those 4 clients of Omeprazole was there -- did -- to 5 your knowledge, was it necessary to get some 6 sort of export license or export authorization 7 to do that?</p> <p>8 A. I don't know. I don't know what was 9 the rules exactly. I don't know.</p> <p>10 Q. Were you ever involved with the 11 process of exporting things from --</p> <p>12 A. Yes. I have been -- these are 13 technical things, you know, of exportation. 14 Yeah, usually we need export license. It's 15 clear. I don't know how it works in Spain. I 16 can't answer you really. I don't know.</p> <p>17 Q. Do you have any knowledge as to whom 18 may know about the process of the export 19 licenses utilized by Belmac in Spain to ship to 20 Ethypharm clients outside of Spain?</p> <p>21 A. Adolfo knows these things, I</p>
<p style="text-align: right;">Page 103</p> <p>1 you know whether there were any export licenses 2 or any other materials to export Omeprazole 3 outside of Spain exchanged between Ethypharm 4 and Belmac?</p> <p>5 A. I don't understand.</p> <p>6 Q. Let me go back.</p> <p>7 Did Ethypharm need any sort of 8 export license or export document to be able to 9 export Omeprazole outside of Spain?</p> <p>10 A. I mean we had clients in different 11 countries so -- Belmac did not manufacture only 12 for the Spanish market, you see? This is what 13 we want to take. Well, there was some 14 exportation in Nigeria, I am thinking Morocco, 15 or Czechoslovakia and some countries.</p> <p>16 This is in response.</p> <p>17 Q. Yes. Now, to export to -- I am 18 presuming that those people that you just 19 mentioned in Nigeria and Morocco --</p> <p>20 A. They were clients of Ethypharm.</p> <p>21 Q. They were clients of Ethypharm's?</p>	<p style="text-align: right;">Page 105</p> <p>1 suppose. Adolfo, I'm sorry. Adolfo De Basilio 2 knows these things.</p> <p>3 Q. To your knowledge, did Ethypharm 4 either France or Ethypharm Spain give any list 5 of its clients or customers to Belmac for the 6 -- of its clients for Omeprazole to Belmac 7 during this relationship that the companies 8 had?</p> <p>9 A. Yes. I think that Belmac knew. 10 Of course, it -- Belmac knew for which client 11 the products were manufactured. But the 12 manufacturer of products it was for a client. 13 They knew for to whom it was delivered, yes. 14 I believe, yes.</p> <p>15 Q. Do you know who at Belmac may have 16 had access to that -- to that information about 17 Ethypharm's clients?</p> <p>18 A. I don't know. I don't know what was 19 the structure of the Belmac in Spain.</p> <p>20 Q. To your knowledge, did Ethypharm 21 either France or Spain give the names or a list</p>

27 (Pages 102 to 105)

<p style="text-align: right;">Page 106</p> <p>1 of its customers to anybody at Bentley in the 2 United States of its customers for Omeprazole? 3 A. No, I don't believe, no. 4 Q. And to your knowledge, did anyone at 5 Ethypharm give a list of or the names of 6 customers for other pellet drugs or drugs using 7 micro granule technology to people in Belmac in 8 Spain during your tenure at Ethypharm? 9 A. Do you mean for the other product of 10 Ethypharm? 11 Q. You mentioned that Belmac also -- 12 earlier in your deposition do you recall when 13 you mentioned that Belmac also made some other 14 products for Ethypharm? 15 A. Yeah. 16 Q. Lansoprazole and two others? 17 A. They knew to whom it was, yes. 18 Q. So they knew for whom it was? 19 A. Yes. 20 Q. To your knowledge, did Ethypharm 21 give the names of those customers for those</p>	<p style="text-align: right;">Page 108</p> <p>1 from Belmac to the clients. 2 Q. Do you know aside from this 3 possibility of shipping the drugs directly to 4 the clients do you know whether Belmac had any 5 other direct interactions with Ethypharm's 6 clients? And this being during the time period 7 of the relationship between the parties. 8 A. I don't know. I don't know but I 9 can imagine yes. I can imagine because you 10 know when there is a problem of QC, for 11 instance, quality control. The client -- if 12 the client doesn't agree with the results or 13 something he will contact directly the 14 manufacturer so could be, yeah, just as an 15 example. 16 Q. I'm going to show you a document and 17 see if you have ever seen it before. Okay? 18 A. Yeah. 19 MS. ABREU: Please mark this as 20 Exhibit 3. 21 (Deposition Exhibit No. 3 was marked</p>
<p style="text-align: right;">Page 107</p> <p>1 other drugs that you mentioned earlier, aside 2 from Omeprazole, to people at Bentley in the 3 United States? 4 MR. BOSTWICK: Object for vagueness. 5 A. I don't believe, no. 6 Q. You mentioned earlier that you 7 thought that sometimes Belmac would ship drugs 8 directly to Ethypharm's clients. Is that a 9 fair characterization of your testimony? 10 A. I think it was working like that, 11 yeah. I think it was working like that. I'm 12 not sure of structure -- how you say in 13 English? 14 THE INTERPRETER: He is not sure of 15 the structure who was doing the executive -- 16 A. I'm not sure of the separation of 17 goods, you know? I don't know exactly if the 18 goods were going from Belmac to Ethypharm or 19 Ethypharm to the client. I don't believe 20 because Ethypharm had no structure for storage 21 of goods. I think that it was sent directly</p>	<p style="text-align: right;">Page 109</p> <p>1 for identification.) 2 BY MS. ABREU: 3 Q. If you wouldn't mind reviewing that. 4 A. Okay. 5 Q. Do you recall -- 6 A. I was wrong. 7 Q. Have you seen this document before? 8 A. No, I don't remember. Yes, I have. 9 Could be so I saw it but I don't remember. 10 Q. Do you have any reason to believe 11 that you may not have been -- or have received 12 this document? 13 A. Oh, no, I have received it. I have 14 received it. I'm sure, yes. 15 Q. Could you tell us the date of the 16 document? 17 A. It's May 2000. 18 Q. And is there a day? 19 A. The 4th of May. Yes. I'm sorry. 20 Q. And is this a document that was sent 21 to you from Adolfo De Basilio?</p>

28 (Pages 106 to 109)

<p>1 A. Yes.</p> <p>2 Q. Could I focus your attention on the 3 first paragraph of that document?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Again, I will read it into the 6 record in English and if you wouldn't mind 7 following along with the French and I will 8 start with the third sentence in that 9 paragraph. Okay?</p> <p>10 A. Okay.</p> <p>11 Q. Where it says "Apparently Belmac 12 exported in own name and also must have signed 13 a contract for manufacturing with third parties 14 -- third party manufacturing customers" -- 15 strike that.</p> <p>16 "Third party manufacturing contracts 17 with our customers."</p> <p>18 THE INTERPRETER: It's not 19 apparently. It's before.</p> <p>20 MS. ABREU: Would you like to read 21 that third sentence in French and if you</p>	<p>Page 110</p> <p>1 could be, yeah.</p> <p>2 Q. Do you have any reason to doubt that 3 Belmac entered into these third party 4 manufacturing contracts with Ethypharm clients?</p> <p>5 MR. BOSTWICK: I object just because 6 he said he doesn't recall.</p> <p>7 THE WITNESS: Yeah.</p> <p>8 BY MS. ABREU:</p> <p>9 Q. You can answer the question.</p> <p>10 A. Yeah, I will answer the question and 11 tell you I don't remember. I told you I don't 12 remember. I am not sure that this occur -- 13 that relate enough you know? I am not sure. 14 If it works -- I mean --</p> <p>15 THE WITNESS: I was saying that 16 actually this document I don't remember. 17 Adolfo De Basilio organized this structure. He 18 created this structure. But I'm not sure -- 19 actually, I don't know or I am not aware if we 20 really did apply this structure.</p> <p>21 A. Okay?</p>
<p>1 wouldn't mind translating from the French. The 2 one that starts with the French word 3 "auparavant."</p> <p>4 A. Uh-huh.</p> <p>5 Q. Would you mind reading that so she 6 can translate that last sentence into English 7 for us for the record?</p> <p>8 MR. BOSTWICK: Do you just want to 9 have her translate?</p> <p>10 MS. ABREU: Yes. Would you 11 translate that sentence for us for the record.</p> <p>12 THE INTERPRETER: "Before Belmac 13 exported -- exported in our name and should 14 also sign the contract, manufacturing contract, 15 by a third party with our customers."</p> <p>16 BY MS. ABREU:</p> <p>17 Q. Does that paragraph refresh your 18 recollection?</p> <p>19 A. Yeah, that could be. It's possible. 20 It's clear. It's possible. Yeah, okay. Yeah, 21 well, I did not remember this way of but it</p>	<p>Page 111</p> <p>1 Q. Okay.</p> <p>2 A. Could be.</p> <p>3 Q. In your role as commercial director 4 when you said you dealt with customer relations 5 do you recall any customer complaints during 6 your tenure about the Omeprazole manufactured 7 by Belmac for Ethypharm and its clients?</p> <p>8 MR. BOSTWICK: Objection.</p> <p>9 A. Yes. We had problems. I remember, 10 yes, we had problems with I remember with 11 Nigerian company with Pharmalliance.</p> <p>12 Q. What was the nature of the problems 13 you had with Pharmalliance?</p> <p>14 A. The problem was mainly delay, 15 manufacturing delays.</p> <p>16 Q. And delays by Belmac?</p> <p>17 A. Yes.</p> <p>18 Q. In manufacturing which drug?</p> <p>19 A. Omeprazole. I'm sorry.</p> <p>20 Q. Do you recall approximately when 21 Pharmalliance had these problems with the</p>

29 (Pages 110 to 113)

<p style="text-align: right;">Page 114</p> <p>1 Omeprazole manufacturing?</p> <p>2 A. I would suggest 2001 because we -- I 3 told you this happened after that we decided to 4 transfer the customer service from Spain to 5 France. And there were some problems then 6 inside Belmac which was used to use some 7 logistic of it from Spain. The people from 8 Ethypharm Spain.</p> <p>9 Q. Just to clarify, in 2001 who was 10 involved in the decision to transfer the 11 customer service from Ethypharm Spain to 12 Ethypharm France?</p> <p>13 A. There were different services in 14 France. First there was the decision maker in 15 France. I think it was mainly Pierre Germain. 16 And there were more people involved. Myself, 17 of course. Philippe Boudal was manufacturing 18 manager or director. These two people at 19 least. Also, of course, Adolfo De Basilio, 20 foreman at this time.</p> <p>21 Q. And why did you decide to make that</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. Back to the complaints of 2 Pharmalliance's back in early 2001, the 3 problems with the delays of shipments by Belmac 4 of Omeprazole, do you recall whether you or 5 anybody else in your department contacted 6 Belmac about those problems?</p> <p>7 MR. BOSTWICK: I'm just going to 8 object to the recharacterization of testimony. 9 I don't think he was clear about that precise 10 date.</p> <p>11 THE INTERPRETER: I'm sorry. I 12 don't remember the question itself.</p> <p>13 MS. ABREU: Would you mind reading 14 back the question.</p> <p>15 (The record was read as requested.)</p> <p>16 THE WITNESS: Yes, certainly.</p> <p>17 A. Not me directly but I told you Mr. 18 Benham, Mrs. Neves, for instance.</p> <p>19 Q. Do you know whom at Belmac they 20 contacted about these problems with 21 Pharmalliance?</p>
<p style="text-align: right;">Page 115</p> <p>1 transfer of customer service from Ethypharm 2 Spain to Ethypharm France?</p> <p>3 A. Because it was a wish of our new 4 general manager Mr. Germain to centralize all 5 the customer service in one part. Not to have 6 customer service in different filiale and 7 perhaps also to -- yes. No, this is what I 8 believe, yes.</p> <p>9 Q. And just to clarify, I believe you 10 said one word in French. Would you translate 11 that for us or have the -- you said "different 12 filiale." Is that what you said?</p> <p>13 A. Yes.</p> <p>14 Q. Subsidiaries. I'm sorry.</p> <p>15 You mentioned earlier that Belmac 16 was one of Ethypharm's clients for Omeprazole 17 in Spain; is that accurate?</p> <p>18 A. Yes.</p> <p>19 Q. Was Bentley one of Ethypharm's 20 clients for Omeprazole?</p> <p>21 A. I don't believe, no.</p>	<p style="text-align: right;">Page 117</p> <p>1 A. No. This I don't know.</p> <p>2 Q. Do you know whether it was with 3 people in Zaragosa?</p> <p>4 A. No. Well, yeah. I'm sorry. No, 5 even I don't know. Really, I don't know 6 because I don't know with whom they were 7 speaking. I believe it was with an industry of 8 people but I am not sure. I don't know.</p> <p>9 Q. Do you have any reason to believe 10 that they contacted anyone outside of Belmac 11 and Spain about the complaints of 12 Pharmalliance's?</p> <p>13 THE INTERPRETER: Can you repeat, 14 please.</p> <p>15 A. I said, no, they were not allowed to 16 contact somebody outside Belmac.</p> <p>17 MS. ABREU: Why don't we take a 18 little lunch break. This is a good breaking 19 point and then we can reconvene in the 20 afternoon.</p> <p>21 MR. BOSTWICK: Do you want to</p>

30 (Pages 114 to 117)

<p style="text-align: right;">Page 118</p> <p>1 discuss for a minute what you anticipate in 2 terms of the afternoon?</p> <p>3 MR. MINGOLLA: Off the record.</p> <p>4 MR. BOSTWICK: Yes. I'm sorry.</p> <p>5 THE VIDEOGRAPHER: The time is 6 12:23:02. Off the record.</p> <p>7 (A short recess was taken.)</p> <p>8 THE VIDEOGRAPHER: On the record. 9 The time is 13:22:29.</p> <p>10 BY MS. ABREU:</p> <p>11 Q. Good afternoon, Mr. Liorzou. I hope 12 you had a nice lunch break.</p> <p>13 A. Okay.</p> <p>14 MS. ABREU: I would like to mark 15 this as -- I believe we are Exhibit 4 now</p> <p>16 (Deposition Exhibit No. 4 was marked 17 for identification.)</p> <p>18 BY MS. ABREU:</p> <p>19 Q. Mr. Liorzou, if you would take the 20 time to review that document.</p> <p>21 A. Yeah.</p>	<p style="text-align: right;">Page 120</p> <p>1 --</p> <p>2 A. Ethypharm --</p> <p>3 THE INTERPRETER: Ethypharm</p> <p>4 Laboriatorious.</p> <p>5 A. Laboriatorious, yes.</p> <p>6 Q. Is Ethypharm S.A., is that the title 7 of Ethypharm's Spanish subsidiary?</p> <p>8 A. Yes. I don't know if it was. It 9 was laboratories of Ethypharm anyway.</p> <p>10 Q. And could you please read the 11 persons that are representing Belmac S.A. and 12 Ethypharm S.A. on that document?</p> <p>13 A. Mr. Herrera for Belmac and Mr. 14 Adolfo De Basilio for Ethypharm Spain.</p> <p>15 Ethypharm S.R.</p> <p>16 Q. Mr. Liorzou, would you mind turning 17 to page 3, the one that says "annex" on it.</p> <p>18 Have you had a chance to review that 19 page?</p> <p>20 A. You want me to read it now?</p> <p>21 Q. If you have had a chance to review</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Have you ever seen this document 2 before?</p> <p>3 A. Yes. I saw them some days ago just 4 to be clear but I didn't see them before.</p> <p>5 Q. While you worked at Ethypharm had 6 you seen that document?</p> <p>7 A. No. I don't remember to have seen 8 them, which is surprising. I was surprised. 9 Yeah.</p> <p>10 Q. I will represent to you that this is 11 a manufacturing agreement.</p> <p>12 A. Yes.</p> <p>13 Q. And could you tell us if you look at 14 the first page of that, and it says on the one 15 part and on the other part, could you please 16 tell us the companies to your understanding?</p> <p>17 A. Belmac S.R., Laboriatorious Belmac 18 and Ethypharm S.A.</p> <p>19 THE INTERPRETER: He was just 20 reading the name between the two -- that one 21 was Belmac Laboriatorious and the other one was</p>	<p style="text-align: right;">Page 121</p> <p>1 it for yourself?</p> <p>2 A. Okay. Yes.</p> <p>3 Q. And what is the drug that is listed 4 on that agreement?</p> <p>5 A. Omeprazole.</p> <p>6 Q. Do you recall earlier today when we 7 were discussing the relationship between 8 Ethypharm Spain S.A. and Spain and Belmac for 9 the manufacture of Omeprazole?</p> <p>10 A. Yes.</p> <p>11 Q. While you worked at Ethypharm were 12 you aware that there was a written agreement 13 between Ethypharm S.A. and Belmac for the 14 manufacture of Omeprazole?</p> <p>15 MR. BOSTWICK: I'm going to object 16 just on this level that my understanding is 17 there is another aspect of this agreement 18 signed on the same day that for context 19 purposes may or may not be necessary to relate 20 to the witness. I mean, I don't know if you 21 are talking about context --</p>

31 (Pages 118 to 121)

<p style="text-align: right;">Page 122</p> <p>1 MS. ABREU: Counsel, that was a 2 speaking objection and I would just appreciate 3 in the future if you avoid that.</p> <p>4 BY MS. ABREU:</p> <p>5 Q. Were you involved in the negotiation 6 of this agreement at all?</p> <p>7 A. No.</p> <p>8 Q. Do you know who was involved in the 9 negotiation of this agreement?</p> <p>10 A. No, but I -- no, but I believe it 11 was Adolfo De Basilio and Mr. Herrera.</p> <p>12 Q. What is the basis for that belief?</p> <p>13 A. Because it's signed by Mr. Herrera 14 and Mr. De Basilio.</p> <p>15 Q. Could you point us to and within 16 that document is there any place in that 17 document where you can see the name Bentley?</p> <p>18 A. I understand.</p> <p>19 No, I have not seen the name 20 Bentley.</p> <p>21 Q. How about Jim Murphy?</p>	<p style="text-align: right;">Page 124</p> <p>1 translations. If I could just take that one 2 back.</p> <p>3 (Deposition Exhibit No. 5 was marked 4 for identification.)</p> <p>5 BY MS. ABREU:</p> <p>6 Q. If you could please take a little 7 time to review that.</p> <p>8 A. Okay.</p> <p>9 Q. Does that document refresh your 10 recollection as to what you may have seen?</p> <p>11 A. Yeah.</p> <p>12 Q. Is that the document you saw 13 terminating the contract for the manufacture of 14 Omeprazole?</p> <p>15 A. Yes.</p> <p>16 Q. Could you please tell us the date on 17 that document?</p> <p>18 A. November 14 of 2001.</p> <p>19 Q. Could you tell us who that document 20 is from?</p> <p>21 A. It has been signed by Mr. Adolfo</p>
<p style="text-align: right;">Page 123</p> <p>1 A. Neither.</p> <p>2 Q. Thank you.</p> <p>3 Do you recall earlier today when you 4 mentioned that while you were at Ethypharm that 5 the relationship between Ethypharm's Spain in 6 Belmac for the manufacture of Omeprazole had 7 ended before you left?</p> <p>8 A. Yes.</p> <p>9 Q. Do you -- have you ever seen any 10 written, anything in writing terminating that 11 relationship between Ethypharm Spain and Belmac 12 for the manufacture of Omeprazole?</p> <p>13 A. Yes, I have seen the written 14 document. I don't remember from whom telling 15 that they wanted to terminate a contract.</p> <p>16 Q. This contract?</p> <p>17 A. Yeah. Sure.</p> <p>18 MS. ABREU: Let me show you a 19 document which we ask be marked Exhibit 5. I 20 believe we have translations for it. I 21 apologize. This one is the one with the</p>	<p style="text-align: right;">Page 125</p> <p>1 Herrera.</p> <p>2 Q. And who is it to?</p> <p>3 A. It's addressed to Adolfo De Basilio.</p> <p>4 Q. Do you remember when was the first 5 time that you saw that document?</p> <p>6 A. No. I think that when it arrived in 7 Ethypharm I was aware of that.</p> <p>8 Q. So it was sometime around the 9 time --</p> <p>10 A. Oh, yeah, yeah, yeah. Sure. I have 11 seen this.</p> <p>12 Q. In 2001?</p> <p>13 A. I don't remember exactly.</p> <p>14 Q. Do you remember who showed you that 15 document?</p> <p>16 A. No.</p> <p>17 Q. Do you remember discussing this 18 document with anyone?</p> <p>19 A. I don't remember with whom I have 20 discussed, I should, I discussed this document 21 but I don't know when and where.</p>

32 (Pages 122 to 125)

<p style="text-align: right;">Page 126</p> <p>1 Q. Could you tell us what in general 2 terms what the content of that letter is?</p> <p>3 MR. BOSTWICK: Objection. Speaks 4 for itself.</p> <p>5 BY MS. ABREU:</p> <p>6 Q. You can answer the question.</p> <p>7 A. It's a consideration, consideration 8 of the former manufacturing contract.</p> <p>9 Q. Is that your personal understanding 10 of what that document is?</p> <p>11 A. Yes. Yes. Yes.</p> <p>12 Q. Could you tell us before seeing this 13 document were you aware that Mr. Herrera 14 intended to cancel the contract with Ethypharm 15 for the manufacture of Omeprazole?</p> <p>16 A. Good question. I don't know. The 17 situation was not good so could be that -- the 18 situation was not very good. We were 19 complaining. It was not doing so well. It was 20 not a real surprise. Sure.</p> <p>21 Q. And why was it not a surprise?</p>	<p style="text-align: right;">Page 128</p> <p>1 A. To my opinion, it was the main 2 problem.</p> <p>3 Q. The delays?</p> <p>4 A. Yeah.</p> <p>5 Q. Did you ever have any discussions 6 with Pierre Germain or Mr. Leduc or Mr. De 7 Basilio or anyone else at Ethypharm about the 8 termination of this manufacturing agreement 9 with Belmac for Omeprazole?</p> <p>10 A. Yes, sure we had some discussion, 11 internal discussion, but I don't -- precisely I 12 can't tell you but we had discussions.</p> <p>13 Q. Do you remember in general what 14 those discussion were?</p> <p>15 A. In general it was to know how we 16 will manage to manufacture Omeprazole for our 17 clients.</p> <p>18 THE COURT REPORTER: Say it one more 19 time.</p> <p>20 A. The question was internal question 21 for us was how we will manage to manufacture</p>
<p style="text-align: right;">Page 127</p> <p>1 Could you elaborate on that a little bit more?</p> <p>2 A. No. I told you there was some 3 difficulties with -- I can't tell you exactly. 4 I told you before with some clients' delay of 5 delivery or these things and so the situation 6 with Belmac was quite difficult at that time in 7 a sense so perhaps I wouldn't say that we were 8 completely surprised.</p> <p>9 Q. When you say difficulties do you 10 mean the delivery delays, the -- what you 11 mentioned earlier about Pharmalliance?</p> <p>12 A. Well, I think Pharmalliance was one 13 of them and perhaps there were others. I don't 14 remember very well, but I know that there were 15 problems at the time of delay.</p> <p>16 Q. Of delay?</p> <p>17 A. Of delay. I don't believe it was 18 for quality. For more delays, I think.</p> <p>19 Q. Aside from the delays were you aware 20 of any other problems with the relationship 21 with Belmac for the manufacture of Omeprazole?</p>	<p style="text-align: right;">Page 129</p> <p>1 Omeprazole for our clients.</p> <p>2 Q. And are those the clients -- when 3 you say "for our clients" do you mean the 4 clients that Belmac was supplying out of its --</p> <p>5 A. Yes.</p> <p>6 Q. The Omeprazole it made in Spain?</p> <p>7 A. Yes.</p> <p>8 Q. During any of those discussions did 9 anybody at Ethypharm tell you who had made the 10 decision to terminate the contract with -- 11 between Ethypharm and Belmac for the 12 manufacture of Omeprazole?</p> <p>13 A. I don't know from rumors first 14 coming, you know. I'm sorry.</p> <p>15 Q. But you agree, do you not, this 16 letter is signed by Mr. Herrera?</p> <p>17 A. Yeah.</p> <p>18 Q. Do you recall after seeing this 19 letter while you were working at Ethypharm, do 20 you recall doing anything in response to that 21 letter?</p>

<p style="text-align: right;">Page 130</p> <p>1 A. No. No.</p> <p>2 MS. ABREU: I'm going to show you</p> <p>3 one more document. Please mark that as Exhibit</p> <p>4 6.</p> <p>5 (Deposition Exhibit No. 6 was marked</p> <p>6 for identification.)</p> <p>7 BY MS. ABREU:</p> <p>8 Q. If you could take some time to just</p> <p>9 review.</p> <p>10 A. Okay.</p> <p>11 Q. Have you seen this document before?</p> <p>12 A. Yes.</p> <p>13 Q. And what is this document?</p> <p>14 A. Well, we're complaining against the</p> <p>15 delay of delivery and of the failures of what</p> <p>16 we -- yep.</p> <p>17 Q. Could you please tell us the date on</p> <p>18 the document?</p> <p>19 A. December 12th of 2001.</p> <p>20 Q. Who is the document sent to?</p> <p>21 A. It's sent to Mr. Herrera.</p>	<p style="text-align: right;">Page 132</p> <p>1 A. Yes. Yes.</p> <p>2 Q. And what did you discuss with her</p> <p>3 about this letter?</p> <p>4 MR. BOSTWICK: I'm going to object</p> <p>5 on attorney-client privilege grounds to the</p> <p>6 extent that it's beyond simply the specifics of</p> <p>7 the letter.</p> <p>8 MS. ABREU: The question was about</p> <p>9 the specifics of the letter.</p> <p>10 MR. BOSTWICK: Okay. Then I object.</p> <p>11 She is an attorney internal to the company. If</p> <p>12 he discussed this with her that would be</p> <p>13 attorney-client privilege.</p> <p>14 MS. ABREU: Are you instructing him</p> <p>15 not to answer on that basis?</p> <p>16 MR. BOSTWICK: Yes.</p> <p>17 MS. ABREU: I would like to ask a</p> <p>18 few quick questions about Ms. Joanesse's legal</p> <p>19 background if you don't mind.</p> <p>20 MR. BOSTWICK: Certainly.</p> <p>21 BY MS. ABREU:</p>
<p style="text-align: right;">Page 131</p> <p>1 Q. And where is the document sent to?</p> <p>2 To Mr. Herrera where?</p> <p>3 A. Oh, yes. Belmac.</p> <p>4 Q. In Spain?</p> <p>5 A. In Spain, yes.</p> <p>6 Q. And could you please turn to page 2.</p> <p>7 Is that your signature at the bottom?</p> <p>8 A. Yes.</p> <p>9 Q. Did you send this to Mr. Herrera?</p> <p>10 A. Yes. I did not write this letter</p> <p>11 because it is with English. It has been --</p> <p>12 well, I signed it. It was my role but I wait</p> <p>13 for this.</p> <p>14 Q. Do you recall who drafted that</p> <p>15 letter?</p> <p>16 A. Yes. Rosaline.</p> <p>17 Q. Rosaline?</p> <p>18 A. Joanesse. Rosaline Joannesse.</p> <p>19 Q. And did you discuss the contents of</p> <p>20 this letter with Ms. Joanesse before you signed</p> <p>21 it?</p>	<p style="text-align: right;">Page 133</p> <p>1 Q. What was Ms. Joanesse's title at</p> <p>2 Ethypharm?</p> <p>3 A. Well, I know she was responsible</p> <p>4 director of --</p> <p>5 THE WITNESS: Legal department</p> <p>6 director.</p> <p>7 BY MS. ABREU:</p> <p>8 Q. Do you know what Ms. Joanesse's</p> <p>9 educational background is?</p> <p>10 A. Not exactly, no.</p> <p>11 Q. Do you know whether she had a law</p> <p>12 degree in France?</p> <p>13 A. I don't know.</p> <p>14 Q. Do you know whether she was licensed</p> <p>15 to practice law in France?</p> <p>16 A. I don't know. I don't know. I know</p> <p>17 that she is a patent -- I think that she is a</p> <p>18 patent attorney but in terms of -- I don't</p> <p>19 know. I don't know.</p> <p>20 Q. And did you discuss the contents of</p> <p>21 this letter or any drafts with anyone other</p>

34 (Pages 130 to 133)

<p style="text-align: right;">Page 134</p> <p>1 than Ms. Joanesse before you sent it or after 2 you sent it? 3 A. Before sending it? Before I send 4 the letter to her? 5 Q. Let's say before sending the letter. 6 A. I don't know. I don't believe. I 7 don't know. I don't believe. 8 Q. How about after you sent the letter? 9 Did you discuss the contents of this letter 10 with anyone other than Ms. Joanesse? 11 A. I don't believe. Well, discuss, 12 what do you mean by discuss? 13 Q. Did you have any conversations with 14 anyone where you talked about the contents of 15 this letter? 16 A. It is clear that perhaps I informed 17 some people that I sent this letter but the 18 discussion I don't believe, no. 19 Q. Who did you inform that you sent 20 this letter? 21 A. Perhaps I inform Gerard Leduc or</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. Could you turn your attention to 2 what appears to be the third paragraph of this 3 letter. Do you see where it says "You have 4 also failed to respond to our repeated 5 inquiries and questions concerning this overall 6 matter" and that refers to the prior paragraph 7 which mentions Pharmalliance in Nigeria? 8 A. Yeah, well. 9 Q. Does that sentence refresh your 10 recollection about whether you had had any 11 direct contacts with anyone at Belmac 12 concerning customer -- Ethypharm's customers? 13 A. It was more or less what I was 14 telling you. It means that at that time I was 15 in charge, I think, of the customer service and 16 the customer service had a lot of problems and 17 it came to me that they were always late to 18 deliver, that customer service told problem 19 with some clients which were not delivering in 20 time and something like that, and so I had to 21 do something. So this is why I establish this</p>
<p style="text-align: right;">Page 135</p> <p>1 Pierre Germain if he was there at the time, I 2 don't know. And some of my colleagues perhaps. 3 Q. Did anyone ask you to send this 4 letter to Mr. Herrera? 5 A. I think I did it -- no, I think I 6 did it by myself with Ms. Joanesse. 7 Q. You mentioned earlier that you are 8 aware that Mr. Herrera was the general manager 9 of Belmac; is that accurate? 10 A. Uh-huh. 11 Q. Did he ever tell you that he had any 12 position outside of Laboritorious Belmac? 13 A. No. 14 Q. Did Mr. Herrera ever tell you that 15 he was authorized to speak on behalf of Bentley 16 in the United States? 17 A. I don't believe. 18 Q. Did Mr. Murphy ever tell you that 19 Mr. Herrera was authorized to speak on behalf 20 of Bentley in the United States? 21 A. No.</p>	<p style="text-align: right;">Page 137</p> <p>1 letter to complain with the help, of course, of 2 Rosaline because I wanted to be -- to see -- to 3 do things correctly. 4 Q. So you decided to bring this to the 5 attention of Mr. Herrera? 6 A. Sorry? 7 Q. So you decided to bring the customer 8 complaints to the attention of Mr. Herrera? 9 A. No. I officialized the complaint to 10 be clear. 11 Q. Do you recall before you 12 officialized the complaints do you recall any 13 specific persons to whom you may have sent them 14 at Belmac? 15 MR. BOSTWICK: Objection. I'm not 16 sure he said he personally sent anything there. 17 BY MS. ABREU: 18 Q. If you had sent do you recall 19 whether you sent -- 20 A. No. 21 Q. Could I direct your attention to the</p>

35 (Pages 134 to 137)

<p style="text-align: right;">Page 138</p> <p>1 last sentence in that paragraph.</p> <p>2 A. Yes.</p> <p>3 Q. Which reads "Indeed since October 4 15th, 2001 our customer service representatives 5 have repeatedly tried to organize a meeting 6 with Mr. Antonio Cabodevilla without success."</p> <p>7 A. Yes.</p> <p>8 Q. Do you remember who were the 9 customer service representatives that are 10 referred to in that sentence?</p> <p>11 A. I believe it was Mr. Pierre Germain 12 at the time.</p> <p>13 Q. Did Mr. Herrera ever respond to this 14 letter?</p> <p>15 A. Someone answered. I don't remember 16 if it was Mr Herrera or somebody else. I was 17 saying that somebody, someone answered to this 18 letter. I don't remember if it is Mr. Herrera 19 or somebody else.</p> <p>20 MS. ABREU: I'm going to show you 21 another document and ask that it be marked as</p>	<p style="text-align: right;">Page 140</p> <p>1 Adolfo De Basilio.</p> <p>2 Q. At Ethypharm?</p> <p>3 A. Ethypharm Spain. I'm sorry.</p> <p>4 Q. Do you recall ever receiving any 5 other response to your letter aside from this 6 document?</p> <p>7 A. No, I don't, no.</p> <p>8 Q. Do you remember when you first saw 9 this document?</p> <p>10 A. Not really, but, yes, it would be 11 around this period, yeah. But I don't remember 12 exactly now.</p> <p>13 Q. And how is it that you came to see 14 this document?</p> <p>15 A. I believe that Adolfo De Basilio has 16 transmitted to me this communication.</p> <p>17 Q. Do you recall having any discussions 18 with Mr. De Basilio about this document?</p> <p>19 A. No, I don't remember but -- no, I 20 don't remember.</p> <p>21 Q. Do you recall discussing this</p>
<p style="text-align: right;">Page 139</p> <p>1 Exhibit 7.</p> <p>2 (Deposition Exhibit No. 7 was marked 3 for identification.)</p> <p>4 BY MS. ABREU:</p> <p>5 Q. If you could please take some time 6 to review that. Have you seen this document 7 before?</p> <p>8 A. Okay. Well, I'm sorry.</p> <p>9 Q. Have you seen this document before?</p> <p>10 A. Yes.</p> <p>11 Q. And what is this document?</p> <p>12 A. Well, this document is an answer to 13 the other letter of December 12, 2001.</p> <p>14 Q. Just to make it clear, the document 15 marked Exhibit 7 is a response to the document 16 marked Exhibit 6?</p> <p>17 A. Yep.</p> <p>18 Q. And who responded to --</p> <p>19 A. Adolfo Herrera.</p> <p>20 Q. Who did he send that response to?</p> <p>21 A. He sent to Adolfo. He sent to</p>	<p style="text-align: right;">Page 141</p> <p>1 document with anyone else?</p> <p>2 A. No, I don't remember. Sure I did 3 but I don't know whom and when, no. That 4 precise memory.</p> <p>5 Q. Did anyone at Bentley ever respond 6 to the letter you sent to Mr. Herrera, the 7 letter that is marked Exhibit 6.</p> <p>8 MR. BOSTWICK: To him that he knows 9 about?</p> <p>10 MS. ABREU: Yes.</p> <p>11 BY MS. ABREU:</p> <p>12 Q. To you?</p> <p>13 A. No, no. I don't believe.</p> <p>14 Q. Did Mr. Murphy ever respond to you 15 to that letter marked as Exhibit 6?</p> <p>16 A. No, I don't believe.</p> <p>17 Q. Do you know whether after the 18 agreement which we marked, I believe, Exhibit 19 5, after the termination -- I apologize.</p> <p>20 Do you know whether after the 21 termination of the agreement that is marked as</p>

<p style="text-align: right;">Page 142</p> <p>1 Exhibit 4 whether Belmac continued to 2 manufacture Omeprazole in Spain?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know for whom?</p> <p>5 A. Well, the contract states that the 6 conversation was the 23rd of March. So at 7 least until the 23rd of March I believe that 8 Belmac has manufactured the product.</p> <p>9 Q. And 23rd of March of what year?</p> <p>10 A. 2002.</p> <p>11 Q. Do you know whether after the 23rd 12 of March 2002 Belmac continued to manufacture 13 Omeprazole in Spain?</p> <p>14 A. I don't know. I don't remember. I 15 don't know.</p> <p>16 Q. Do you know whether after the 17 termination of the agreement marked as Exhibit 18 4 whether Ethypharm placed any more orders for 19 Omeprazole with Belmac in Spain?</p> <p>20 A. I don't know. I don't know. I 21 think that they continued to supply Ethypharm</p>	<p style="text-align: right;">Page 144</p> <p>1 the continue to manufacture Omeprazole after 2 the termination of that agreement?</p> <p>3 A. No, I don't -- I don't -- I don't 4 remember. I don't remember. I don't believe. 5 I don't believe. I prefer to say I don't 6 remember.</p> <p>7 Q. Do you recall having any 8 communications with Mr. Murphy after the 9 termination of the contract marked as Exhibit 4 10 regarding the continued manufacture of 11 Omeprazole by Belmac?</p> <p>12 A. Myself?</p> <p>13 Q. Yourself?</p> <p>14 A. Myself, no.</p> <p>15 Q. Do you know whether anyone else at 16 Ethypharm had any communications with Mr. 17 Murphy after the termination of the contract 18 marked as Exhibit 4 regarding Belmac's 19 continued manufacture of Omeprazole in Spain?</p> <p>20 A. No, I don't know.</p> <p>21 Q. Do you know as part of either the</p>
<p style="text-align: right;">Page 143</p> <p>1 some more Omeprazole, some products. I'm not 2 sure. I'm sorry.</p> <p>3 Q. Do you know whether any Ethypharm 4 customers continued to place orders for 5 Omeprazole with Belmac after the termination of 6 the agreement marked as Exhibit 4?</p> <p>7 A. I don't know.</p> <p>8 Q. In your department of customer 9 service do you recall having any communications 10 with anyone at Belmac after the termination of 11 the agreement marked as Exhibit 4 concerning 12 Omeprazole?</p> <p>13 A. I said myself, I don't know, no.</p> <p>14 Q. After the termination of the 15 contract marked as Exhibit 4 do you recall 16 having any communications with Bentley about 17 Belmac's continued manufacture of Omeprazole?</p> <p>18 A. I understand.</p> <p>19 Myself, no.</p> <p>20 Q. Have you ever heard of anyone else 21 having any communications with Bentley about</p>	<p style="text-align: right;">Page 145</p> <p>1 agreement in writing that is marked as Exhibit 2 4 or any of the relationships between Ethypharm 3 Spain and Belmac regarding Omeprazole or other 4 pellet drugs during your tenure at Ethypharm do 5 you know whether any machines were exchanged?</p> <p>6 MR. BOSTWICK: Make sure there is a 7 translation. That's long.</p> <p>8 MS. ABREU: Could you read the 9 question to her in short little sentences.</p> <p>10 (The record was read as requested.)</p> <p>11 A. No, I don't know. I don't know. I 12 wasn't -- not in charge of industry or 13 activity.</p> <p>14 BY MS. ABREU:</p> <p>15 Q. Do you know whether Ethypharm ever 16 sent any machines to Bentley in the United 17 States for the manufacture of Omeprazole?</p> <p>18 A. No, I don't know.</p> <p>19 MS. ABREU: Let me show you a 20 document which if you could please mark that as 21 Exhibit 8.</p>

<p style="text-align: right;">Page 146</p> <p>1 (Deposition Exhibit No. 8 was marked 2 for identification.)</p> <p>3 BY MS. ABREU:</p> <p>4 Q. Please take some time to review 5 that.</p> <p>6 A. Uh-huh.</p> <p>7 Q. Do you recall seeing this document 8 before?</p> <p>9 A. No. I don't remember but here I am. 10 No, I do not remember.</p> <p>11 Q. Do you see where it says at the very 12 first sentence "Visit with Mr. Yves Liorzou"?</p> <p>13 A. Yes.</p> <p>14 Q. 23rd, January 2002?</p> <p>15 A. Yes.</p> <p>16 Q. Do you recall visiting an entity in 17 Spain on the 23rd of January of 2002?</p> <p>18 A. No, I don't remember but it 19 happened.</p> <p>20 Q. Okay. Do you know whether this 21 refers to Ethypharm Spain or Belmac?</p>	<p style="text-align: right;">Page 148</p> <p>1 Basilio wanted to speak of this purpose, and I 2 can make the translation to correct. Do you 3 see what I mean? But I was not really --</p> <p>4 Q. Do you know who at Ethypharm was 5 involved with machines?</p> <p>6 A. Yes. It was manufacturing manager. 7 Industry manager. Mr. -- at that time I 8 believe it was Mr. Philippe Boudal, I think.</p> <p>9 Q. And did you ever have any 10 conversations with Mr. Boudal about any 11 machines at Belmac?</p> <p>12 A. I believe I had, yes, but I don't 13 remember really the purpose.</p> <p>14 Q. Following the termination of the 15 agreement that is marked as Exhibit 4 do you -- 16 did you ever become aware of a dispute 17 concerning the removal of machines from Belmac, 18 from Belmac's Zaragoza facility?</p> <p>19 A. Yeah, I know. I know it was. There 20 were some problems at the end but I don't 21 remember exactly what was the problem. I know</p>
<p style="text-align: right;">Page 147</p> <p>1 A. Ethypharm Spain.</p> <p>2 Q. So that would have been the place 3 you visited would be Ethypharm Spain?</p> <p>4 A. Yes.</p> <p>5 Q. Do you see where it says at the 7th 6 line?</p> <p>7 A. Yes.</p> <p>8 Q. Where it says "Belmac manufacturing 9 and machines"?</p> <p>10 A. Yes, I see it.</p> <p>11 Q. During that visit to Ethypharm Spain 12 in January of 2002 do you recall having any 13 discussions about machines and Belmac?</p> <p>14 A. No, I don't remember. I told you if 15 for this question of machine if I spoke with 16 Adolfo De Basilio about machine it's possible 17 but I was go between -- I was kind of -- he 18 tell me between my colleagues of manufacturing 19 and Belmac or Adolfo, you know? I mean I was 20 not involved in the machines and these things. 21 As I was going to Madrid it's perhaps Adolfo De</p>	<p style="text-align: right;">Page 149</p> <p>1 that there was some discussion between Belmac 2 and Ethypharm but I don't remember -- I don't 3 remember who was the owner -- you know of the 4 coating pans: Because it was a question of 5 coating pans and some tubes, I think.</p> <p>6 Q. Coating pans of sort, is that --</p> <p>7 A. Coating. Coating pan, yeah.</p> <p>8 Q. Okay.</p> <p>9 A. It's a kind of pan to cook.</p> <p>10 Q. A machine?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know who was involved in that 13 discussion with Belmac about the coating pan?</p> <p>14 A. I don't remember. Perhaps -- no, I 15 don't know. Manufacturing, I think perhaps Mr. 16 Boudal, I tell you.</p> <p>17 Q. Do you know who at Belmac Mr. Boudal 18 had conversations with about the coating pan?</p> <p>19 A. I don't know.</p> <p>20 MS. ABREU: All right. I think we 21 are going to change tapes.</p>

<p style="text-align: right;">Page 150</p> <p>1 THE VIDEOGRAPHER: This ends Tape 2 Number 2 of the Liorzou deposition. The time 3 is 14:18:34. Off the record.</p> <p>4 (A short recess was taken.)</p> <p>5 THE VIDEOGRAPHER: On the record 6 with Tape Number 3 of the testimony of Yves 7 Liorzou in the matter of Ethypharm versus 8 Bentley. The date is July 7, 2006. The time 9 is 14:25:21.</p> <p>10 BY MS. ABREU:</p> <p>11 Q. Good afternoon, again, Mr. Liorzou. 12 I have just a few more questions 13 left.</p> <p>14 You mentioned earlier that you were 15 in charge of licensing for Ethypharm; is that 16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Do you recall doing any licensing 19 agreements with Belmac regarding Omeprazole?</p> <p>20 A. I understand.</p> <p>21 I think, yeah, I think we had an</p>	<p style="text-align: right;">Page 152</p> <p>1 A. No.</p> <p>2 Q. Do you recall entering into any 3 licensing agreements with Bentley for any other 4 drug?</p> <p>5 A. No.</p> <p>6 Q. Were you involved in the negotiation 7 of any confidentiality agreements with Belmac 8 with respect to this relationship to 9 manufacture Omeprazole?</p> <p>10 A. When?</p> <p>11 Q. At any time during your tenure at 12 Ethypharm?</p> <p>13 A. I understand that. I understand.</p> <p>14 I don't believe, no. I don't 15 remember. I don't remember to be sure. I 16 don't remember.</p> <p>17 Q. Do you know who was involved in the 18 drafting of any confidentiality agreements with 19 Belmac about the manufacture of Omeprazole?</p> <p>20 A. I believe Adolfo De Basilio at the 21 time and I believe Adolfo De Basilio at the</p>
<p style="text-align: right;">Page 151</p> <p>1 agreement with them, yeah, but honestly, I 2 wasn't involved at the time of the signature of 3 this document.</p> <p>4 Q. You were not involved in the 5 licensing?</p> <p>6 A. Not in the signature. I believe we 7 had an agreement with Belmac for -- as a 8 licensing agreement with Belmac to license 9 Omeprazole in Spain, but I have not been 10 involved in the negotiation of signatures 11 agreement.</p> <p>12 Q. Do you know who was?</p> <p>13 A. Could be -- I don't know who it is 14 but it could be Adolfo De Basilio or Claude 15 Dubois. Who was the former general manager.</p> <p>16 MS. ABREU: Do you need the witness 17 to spell the name of Claude Dubois?</p> <p>18 A. It's written D-U-B-O-I-S.</p> <p>19 Q. Do you recall ever entering any 20 licensing agreements with Bentley in the United 21 States for Omeprazole?</p>	<p style="text-align: right;">Page 153</p> <p>1 time, I believe and Rosaline Joanesse. I 2 believe. It's logical.</p> <p>3 Q. Were you involved in the negotiation 4 of any confidentiality agreements with Belmac 5 with regard to any other pellet drug?</p> <p>6 A. Which?</p> <p>7 Q. Lansoprazole or any of the other 8 ones?</p> <p>9 A. Yeah. No, I don't remember. No, I 10 don't remember.</p> <p>11 Q. No. Did you ever see any drafts of 12 any confidentiality agreements with Belmac for 13 the manufacturing of the Omeprazole?</p> <p>14 A. I think yes. I think yes.</p> <p>15 Q. Do you remember what that draft was?</p> <p>16 A. No. I don't know. I think that I 17 have seen something concerning confidentiality 18 agreement. Not a draft of the confidentiality 19 agreement. But I don't -- concerning 20 Omeprazole concerning Belmac but I don't 21 remember exactly the purpose, the writing, who</p>

39 (Pages 150 to 153)

<p>1 was signing. No, I don't remember.</p> <p>2 Q. Do you remember ever seeing a 3 confidentiality agreement between Ethypharm and 4 Bentley regarding the manufacture of 5 Omeprazole?</p> <p>6 A. I can't tell you because -- I can't 7 tell you if -- I think I have seen something 8 but I don't know if it was Bentley, Belmac 9 or --</p> <p>10 Q. While you were employed at Ethypharm 11 did you ever become aware of any disputes 12 between Ethypharm and Belmac regarding public 13 statements about Omeprazole?</p> <p>14 MR. BOSTWICK: I object as vague.</p> <p>15 THE INTERPRETER: He said dispute on 16 which subject?</p> <p>17 BY MS. ABREU:</p> <p>18 Q. Regarding any public statements made 19 by Belmac about the ownership of the technology 20 used to make Omeprazole in Spain?</p> <p>21 A. Yes.</p>	<p>Page 154</p> <p>1 product with a new technology belonging to 2 Belmac and so when Mr. Debreges saw it he was 3 very, very upset.</p> <p>4 Q. Do you remember whether anyone else 5 aside from yourself and Mr. Debreges had been 6 aware of these public statements made by 7 Belmac?</p> <p>8 A. I tell you everybody in the 9 department. No, because Mr. Debreges made 10 circulate inside myself, my colleagues.</p> <p>11 Q. And he circulated it in writing?</p> <p>12 A. I don't remember. I can't tell you. 13 Perhaps he show it to everybody.</p> <p>14 Q. And do you remember what Mr. 15 Debreges said about that public statement?</p> <p>16 A. Not precisely.</p> <p>17 Q. In general terms, do you recall?</p> <p>18 A. No. I would prefer not to tell.</p> <p>19 Q. Please do tell.</p> <p>20 MR. BOSTWICK: You have to answer to 21 some degree.</p>
<p>1 Q. How did you become aware of that?</p> <p>2 A. I remember that an article was 3 published or something like that.</p> <p>4 Q. Do you remember who told you about 5 that article?</p> <p>6 A. At the time we received a copy of 7 the publication sent by I don't know whom. And 8 Mr. Debreges received this or Mr. Leduc. I 9 don't remember. He was really upset. Mr. 10 Debreges was really upset. I can tell you.</p> <p>11 Q. Do you remember what he told you 12 about that public statement?</p> <p>13 A. No. I prefer not to tell. No, no...</p> <p>14 No. He received this note and he was really 15 upset by the fact that Belmac I think was 16 claiming the property I think of the know how.</p> <p>17 MR. BOSTWICK: You have to speak up.</p> <p>18 A. I was saying that Mr. Debreges 19 received this copy of the communication in a 20 newspaper. I don't remember exactly but it was 21 more or less telling that Belmac launch a</p>	<p>Page 155</p> <p>1 A. I am joking but -- I am joking. I 2 don't know exactly what. I told you he was 3 upset. He said that it was not true and why he 4 would write them or something. I don't know.</p> <p>5 Q. Do you recall approximately when 6 this public statement dispute happened?</p> <p>7 A. Certainly not, no.</p> <p>8 Q. Do you remember if it was before Mr. 9 Germain came in around 2000 or after?</p> <p>10 A. No. I have no idea.</p> <p>11 Q. Do you remember if Mr. Debreges or 12 anyone else talked to anyone at Belmac about 13 that public statement?</p> <p>14 A. I don't know. I think he has 15 written them but I don't know.</p> <p>16 Q. You don't know. Okay.</p> <p>17 Do you remember ever seeing a 18 confidentiality agreement between Ethypharm and 19 Jim Murphy concerning Omeprazole in Spain?</p> <p>20 A. No, I don't remember.</p> <p>21 Q. Just wanted to double check.</p>

<p style="text-align: right;">Page 158</p> <p>1 Do you recall earlier today when you 2 testified about the meeting in Spain that you 3 had on March 29th of 2000 and also the meeting 4 that you had toward the end of the year in St. 5 Cloud with -- and Mr. Murphy in attendance at 6 both of those meetings, do you recall that 7 testimony?</p> <p>8 A. Yes. Yes.</p> <p>9 Q. Were those the only two times that 10 you met with Mr. Murphy?</p> <p>11 A. Yes. I believe yes.</p> <p>12 Q. Do you have any memory of any other 13 time when you met with Mr. Murphy?</p> <p>14 A. No.</p> <p>15 Q. Do you have any memory of any other 16 time when you spoke with Mr. Murphy, perhaps 17 via telephone?</p> <p>18 A. No. No. I have no memory of that. 19 But -- no, I have no memory.</p> <p>20 Q. Do you have any memory of any other 21 contact of any form or communication with Mr.</p>	<p style="text-align: right;">Page 160</p> <p>1 A. No.</p> <p>2 Q. Do you recall at any time during 3 your employment at Ethypharm having had any 4 contact of any form or communication of any 5 form with anyone else from Bentley?</p> <p>6 A. No. No, I don't remember.</p> <p>7 Q. Did you ever travel to the United 8 States to visit Bentley's offices in the United 9 States?</p> <p>10 A. No.</p> <p>11 Q. Do you know whether anyone else at 12 Ethypharm had contacts with Jim Murphy during 13 any time during your employment at Ethypharm?</p> <p>14 A. Well, Adolfo De Basilio, Ethypharm 15 Spain, myself, Philippe Boudal, Pierre Germain, 16 of course Gerard Leduc, Patrice Debregesas. Mr. 17 Leduc, L-E-D-U-C. Patrice Debregesas, 18 D-E-B-R-E-G-E-A-S. Yes. That's all.</p> <p>19 Q. Do you know when Mr. Philippe Boudal 20 met with Mr. Murphy?</p> <p>21 A. Boudal?</p>
<p style="text-align: right;">Page 159</p> <p>1 Murphy during your tenure that you had with Mr. 2 Murphy during your tenure at Ethypharm?</p> <p>3 A. No. And I would tell you to meet is 4 a big thing because I told you we are not -- I 5 met him -- the best memory I have is the second 6 time and the second time we are at -- I told 7 you we are two teams. So I don't have 8 conversation really.</p> <p>9 Q. How much time would you say in that 10 second time in St. Cloud did you actually spend 11 talking to Mr. Murphy?</p> <p>12 A. I don't know if I even spoke with 13 Mr. Murphy.</p> <p>14 Q. Is that because you were at a 15 different table?</p> <p>16 A. Introduce, you know. Yeah. I don't 17 believe that I -- it was taken by Mr. Germain 18 and Mr. Leduc.</p> <p>19 Q. Do you recall at any time during 20 your employment at Ethypharm meeting with 21 anyone else from Bentley?</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. Yes.</p> <p>2 A. When we went to Spain.</p> <p>3 Q. In that March 29th meeting of 2000?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know whether aside from that 6 one meeting Mr. Boudal met with Mr. Murphy?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you know whether anyone at 9 Ethypharm met with anyone other than Mr. Murphy 10 who worked at Bentley in the United States?</p> <p>11 A. I don't know.</p> <p>12 Q. In the two occasions when you met 13 with Mr. Murphy did he ever tell you that 14 Adolfo Herrera spoke and acted on behalf of 15 Bentley?</p> <p>16 A. No.</p> <p>17 Q. During those two occasions when you 18 met with Mr. Murphy did he ever tell you that 19 anyone else at Belmac had the power to speak on 20 behalf of Bentley?</p> <p>21 A. No. I understand. No.</p>

41 (Pages 158 to 161)

<p style="text-align: right;">Page 162</p> <p>1 Q. During those two occasions when you 2 met Mr. Murphy did he ever tell you that Mr. 3 Herrera could bind Bentley by signing the 4 document marked as Exhibit 4?</p> <p>5 A. No.</p> <p>6 Q. To your knowledge, did Mr. Murphy 7 tell anybody else at Ethypharm that Mr. Herrera 8 was acting on behalf of Bentley?</p> <p>9 MR. BOSTWICK: Objection. 10 Ambiguous.</p> <p>11 A. I don't know.</p> <p>12 Q. You don't know. Okay.</p> <p>13 A. No, I don't know. No, I don't know.</p> <p>14 Q. To your knowledge, did Mr. Murphy 15 ever tell anybody else at Ethypharm that Mr. 16 Herrera was acting on behalf of Bentley when he 17 signed the document marked as Exhibit 4?</p> <p>18 A. I don't know. I don't know. I 19 don't know.</p> <p>20 Q. Did Mr. Murphy ever tell you that 21 Bentley would guarantee any of Belmac's</p>	<p style="text-align: right;">Page 164</p> <p>1 THE VIDEOGRAPHER: The time is 2 14:49:14. Off the record.</p> <p>3 (A short recess was taken.)</p> <p>4 THE VIDEOGRAPHER: On the record. 5 The time is 15:03:55.</p> <p>6 EXAMINATION BY COUNSEL FOR PLAINTIFFS 7 BY MR. BOSTWICK:</p> <p>8 Q. Good afternoon, Mr. Liorzou. I have 9 a few questions for you. I don't think this 10 will take more than 20 minutes or so.</p> <p>11 Ms. Abreu asked you a number of 12 questions at the end of her questioning about 13 things that Mr. Murphy did not do and what he 14 did not say when you met with him. And I would 15 like to talk to you about what Mr. Murphy did 16 do when you met with him.</p> <p>17 As I understand it, Mr. Murphy 18 handed you a business card; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. And he did that when he introduced 21 himself?</p>
<p style="text-align: right;">Page 163</p> <p>1 obligations toward Ethypharm with regard to the 2 manufacture of Omeprazole in Spain?</p> <p>3 A. No, no, no.</p> <p>4 Q. Did Mr. Murphy ever tell you that 5 Bentley would guarantee any of Belmac's 6 obligation toward Omeprazole concerning any 7 other pellet drug?</p> <p>8 A. No.</p> <p>9 Q. Was Mr. Herrera the only general 10 manager of Belmac whom you met?</p> <p>11 A. I think so, yes.</p> <p>12 Q. And my last question to you is did 13 you discuss your testimony in this case during 14 any of the breaks we took today with any of 15 Ethypharm's attorneys?</p> <p>16 A. No.</p> <p>17 MS. ABREU: Thank you, Mr. Liorzou. 18 I have no further questions.</p> <p>19 THE WITNESS: Thank you.</p> <p>20 MR. BOSTWICK: Go off the record for 21 just a moment.</p>	<p style="text-align: right;">Page 165</p> <p>1 A. Yes.</p> <p>2 Q. And did you bring that business card 3 here to the United States?</p> <p>4 A. Yes.</p> <p>5 Q. Do you have it there in your pocket?</p> <p>6 A. Yes.</p> <p>7 Q. Can I ask you to take a look at it.</p> <p>8 I will represent that that is the 9 same as Exhibit 1 here.</p> <p>10 I'm going to ask you to take a look 11 at it. I will ask you to tell us what does 12 that business card say about what company Mr. 13 Murphy works for?</p> <p>14 A. Yes.</p> <p>15 MS. ABREU: Objection.</p> <p>16 A. Mr. Murphy is chairman, chief 17 executive officer of Bentley.</p> <p>18 Q. Does that have an address in the 19 U.S.?</p> <p>20 A. Yes.</p> <p>21 Q. Is there any indication of</p>

42 (Pages 162 to 165)

<p style="text-align: right;">Page 166</p> <p>1 Laboritorious Belmac on that card?</p> <p>2 A. No.</p> <p>3 Q. My understanding from your testimony</p> <p>4 is that Mr. Murphy from Bentley traveled to</p> <p>5 Ethypharm's office in St. Cloud; is that</p> <p>6 correct?</p> <p>7 MS. ABREU: Objection.</p> <p>8 Mischaracterizes his testimony.</p> <p>9 A. Yes.</p> <p>10 Q. And he met with you and others at</p> <p>11 Ethypharm?</p> <p>12 A. Yes.</p> <p>13 Q. And can you tell me one more time</p> <p>14 who was there at that -- on that date?</p> <p>15 A. As I mentioned before Mr. Murphy</p> <p>16 from Bentley, Mr. Leduc and Mr. Germain and</p> <p>17 myself from Ethypharm. And Mr. Herrera from</p> <p>18 Belmac and Mr. Adolfo De Basilio from Ethypharm</p> <p>19 Spain.</p> <p>20 Q. And as I recall, you went to lunch,</p> <p>21 correct?</p>	<p style="text-align: right;">Page 168</p> <p>1 (Deposition Exhibit No. 9 was marked</p> <p>2 for identification.)</p> <p>3 BY MR. BOSTWICK:</p> <p>4 Q. This is a two-page document but I am</p> <p>5 giving counsel four pages because two of them</p> <p>6 are translated.</p> <p>7 I would ask you if you can take a</p> <p>8 look at those documents, those two pages and I</p> <p>9 will ask you if you recognize them.</p> <p>10 A. Yes.</p> <p>11 Q. What do you recognize those</p> <p>12 documents to be?</p> <p>13 A. These documents are the two memos I</p> <p>14 made concerning this meeting in St. Cloud.</p> <p>15 Q. What are the dates on the top of</p> <p>16 those two pages?</p> <p>17 A. Sorry. 22nd of November 2000.</p> <p>18 Q. And were these two notes written at</p> <p>19 or around the time of the lunch meeting?</p> <p>20 A. Yes.</p> <p>21 Q. And they were prepared in the</p>
<p style="text-align: right;">Page 167</p> <p>1 A. Yes.</p> <p>2 Q. And you split into two groups; is</p> <p>3 that correct?</p> <p>4 A. Exactly.</p> <p>5 Q. And can you tell me again who is in</p> <p>6 which group?</p> <p>7 A. One group was myself, Adolfo De</p> <p>8 Basilio and Herrera and the other group was</p> <p>9 John Leduc, Pierre Germain and Murphy.</p> <p>10 Q. And you were asked by Ms. Abreu</p> <p>11 about what the topics of conversation were at</p> <p>12 those meetings. Do you remember that?</p> <p>13 A. Yes. Yes.</p> <p>14 Q. I believe you indicated that you had</p> <p>15 prepared a memo regarding those -- that meeting</p> <p>16 or those lunch meetings?</p> <p>17 A. Yes.</p> <p>18 Q. You understood that?</p> <p>19 A. Yes. Same in French.</p> <p>20 MR. BOSTWICK: Let me show you an</p> <p>21 exhibit which I guess would be 9.</p>	<p style="text-align: right;">Page 169</p> <p>1 ordinary normal course of your responsibilities</p> <p>2 at Ethypharm?</p> <p>3 A. Yes, completely, yeah.</p> <p>4 Q. Let's look at the first -- I'm not</p> <p>5 sure which page is which on yours, but let's</p> <p>6 look at the note in turn for the meeting with</p> <p>7 Mr. Liorzou, Mr. De Basilio and Mr. Herrera</p> <p>8 first. Okay?</p> <p>9 A. Uh-huh.</p> <p>10 Q. And I will ask you to take a look at</p> <p>11 that. And am I correct in understanding that</p> <p>12 that indicates that Ethypharm made a certain</p> <p>13 proposal and Belmac made a certain proposal at</p> <p>14 your table?</p> <p>15 A. Yes.</p> <p>16 Q. And does that refresh your memory of</p> <p>17 what was talked about at the time?</p> <p>18 A. Yes.</p> <p>19 Q. What were -- I believe you had</p> <p>20 referred to the matters discussed at your table</p> <p>21 as being logistical; is that correct?</p>

<p>1 A. Yes. Exactly, yeah.</p> <p>2 Q. What were the items discussed at 3 your table?</p> <p>4 A. Well, if I refer to this Ethypharm 5 wanted to stop to perform the logistic for the 6 excipient for the manufacturing of Omeprazole 7 in Spain. It was a question of they wanted 8 also to -- we propose that Belmac invoice the 9 manufacturing costs and the excipients and that 10 Ethypharm invoices the finished product Belmac 11 as a client when used as a client.</p> <p>12 Q. Let's look at the other document. I 13 should say the other page of this document, 14 Exhibit 9.</p> <p>15 Could -- how is it that you knew 16 what happened at the other meeting that you 17 were not a part of, the other lunch table 18 meeting?</p> <p>19 A. Because I questioned the people 20 involved. I don't remember if I questioned Mr. 21 Leduc or Mr. Germain or both of them but I</p>	<p>Page 170</p> <p>1 A. I think it was to fix, let's say, 2 the relationship between the two companies.</p> <p>3 Q. Did that relate to the manufacture, 4 sale and distribution of Omeprazole?</p> <p>5 A. Yes.</p> <p>6 Q. And potentially other aspects of the 7 relationship between the companies?</p> <p>8 A. Exactly, yeah.</p> <p>9 Q. Is it accurate to say that at Mr. 10 Murphy's table they also discussed whether 11 Belmac would be a licensee of Ethypharm for all 12 formulations of Omeprazole?</p> <p>13 MS. ABREU: Objection.</p> <p>14 A. Yes. Yes.</p> <p>15 Q. And is it also accurate to say, and 16 I am referring to the fourth line down, that 17 one of the topics that was discussed was 18 whether the acquiesce formulation versus the 19 organic formulation of Omeprazole would be 20 provided to Belmac?</p> <p>21 MS. ABREU: Objection.</p>
<p>1 questioned them, yeah.</p> <p>2 Q. I believe your testimony was that 3 more important matters were discussed at that 4 table with Mr. Leduc, Mr. Murphy of Bentley and 5 Mr. Germain; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. What -- is it correct that draft 8 contracts relating to the relationship between 9 Belmac and Ethypharm were discussed at Mr. 10 Murphy's table?</p> <p>11 THE INTERPRETER: You said between 12 Ethypharm and --</p> <p>13 MR. BOSTWICK: And Belmac.</p> <p>14 MS. ABREU: Objection.</p> <p>15 A. I would not say that contract has 16 been discussed during this. I don't know. 17 What I know is that it was decided that 18 Ethypharm will send a draft of contract to 19 Belmac.</p> <p>20 Q. And what do you understand that 21 draft contract to relate to?</p>	<p>Page 171</p> <p>Page 173</p> <p>1 A. Yes.</p> <p>2 Q. Is it also accurate to say that the 3 issue of whether Ethypharm would provide 4 further machines and machinery at the Spanish 5 Zaragoza plant was discussed at Mr. Murphy's 6 table?</p> <p>7 A. Yes.</p> <p>8 Q. And are these the more important 9 issues that you were referring to in your 10 earlier testimony?</p> <p>11 A. Yes, I believe, yeah.</p> <p>12 Q. As you understood it at the lunch 13 meetings at the time of the lunch meetings --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- who had the ultimate final 16 authority to act for Ethypharm?</p> <p>17 MS. ABREU: Objection to form.</p> <p>18 A. Gerard Leduc.</p> <p>19 Q. As you understood it at the time of 20 this lunch in November of 2000, who had the 21 ultimate final decision making authority for</p>

<p>1 the other side?</p> <p>2 MS. ABREU: Objection. Ambiguous.</p> <p>3 MR. BOSTWICK: The question is only</p> <p>4 partly done.</p> <p>5 BY MR. BOSTWICK:</p> <p>6 Q. And was it Jim Murphy of Bentley or</p> <p>7 Adolfo Herrera of Belmac?</p> <p>8 MS. ABREU: Objection.</p> <p>9 A. Mr. Murphy, yes.</p> <p>10 Q. As you understood it, at the time of</p> <p>11 the lunch in November 2000 did the three of you</p> <p>12 at your table, Mr. De Basilio, Mr. Herrera and</p> <p>13 yourself, have the power to decide issues</p> <p>14 relating to the machinery, the acquiesce</p> <p>15 formula, the overall relationship and the</p> <p>16 licenses without getting approval from the</p> <p>17 people at the other table?</p> <p>18 A. Can you repeat that. I'm sorry.</p> <p>19 MR. BOSTWICK: Can you repeat the</p> <p>20 question in English in maybe little bits.</p> <p>21 (The record was read as requested.)</p>	<p>Page 174</p> <p>1 document, do you know, because I see an</p> <p>2 indication at the top in the subject line and</p> <p>3 then I see a different indication on the second</p> <p>4 page. I just --</p> <p>5 A. Yeah. I understand. He is</p> <p>6 referring to meeting which was the 4th of</p> <p>7 October and it was written the 19th of October.</p> <p>8 Q. The year 2000?</p> <p>9 A. Yes.</p> <p>10 Q. I guess part of what confuses me</p> <p>11 when I look at these is that the European dates</p> <p>12 are different. So that's not April 10th?</p> <p>13 A. No. It is not.</p> <p>14 Q. That is October 4, 2000. Is that</p> <p>15 your understanding?</p> <p>16 A. Yeah.</p> <p>17 Q. Okay. Let me refer you to the</p> <p>18 paragraph that is marked number 3. It's not</p> <p>19 the third paragraph but it's marked number 3.</p> <p>20 Do you see that?</p> <p>21 A. Yeah.</p>
<p>1 A. No.</p> <p>2 Q. Did your understanding ever change?</p> <p>3 A. No.</p> <p>4 MR. BOSTWICK: Let me show you</p> <p>5 another exhibit. This will be No. 10.</p> <p>6 (Deposition Exhibit No. 10 was</p> <p>7 marked for identification.)</p> <p>8 BY MR. BOSTWICK:</p> <p>9 Q. I would ask you to take a look at</p> <p>10 that document and when you have had a chance to</p> <p>11 do it -- when you have had a chance to review</p> <p>12 it just tell me.</p> <p>13 A. Okay. Yeah.</p> <p>14 Q. Is this -- do you recognize this</p> <p>15 document?</p> <p>16 A. Yes. I have seen it.</p> <p>17 Q. Is this a document written by Adolfo</p> <p>18 De Basilio and directed to your attention?</p> <p>19 A. Yes, to me and others.</p> <p>20 Q. To you and others, yes.</p> <p>21 And what is the date of this</p>	<p>Page 175</p> <p>1 Q. It says "organigramme. This is no</p> <p>2 joke. The general manager in Belmac Spain told</p> <p>3 us this subject has to receive authorization</p> <p>4 from Mr. Murphy president of the company in the</p> <p>5 U.S!!"</p> <p>6 Do you see that?</p> <p>7 A. Uh-huh.</p> <p>8 Q. Can you first tell me what an</p> <p>9 organigramme is? I think we use a different</p> <p>10 term in the U.S.?</p> <p>11 A. An organigramme is current position</p> <p>12 of any employees in the company.</p> <p>13 Q. Like an organizational chart?</p> <p>14 A. Organizational for employees.</p> <p>15 Q. What did this tell you, what did the</p> <p>16 sentence I just read to you tell you about</p> <p>17 whether Laboritorious Belmac needed to get</p> <p>18 authorization from Bentley in the U.S. relating</p> <p>19 to its relationship with Ethypharm?</p> <p>20 MS. ABREU: Objection.</p> <p>21 A. It shows that even for to transmit</p>

45 (Pages 174 to 177)